



University of  
New Hampshire  
Library







JOURNAL

OF THE

SENATE

SPECIAL SESSION OF 1970





JOURNAL

OF THE

SENATE

SPECIAL SESSION OF 1970

NH 302  
322, 71  
NS 32  
1070

EVANS PRINTING COMPANY, CONCORD, N. H.



Wednesday

25Mar70

Rev. William L. Shafer, Senate Chaplain, offered prayer.

Almighty God — this morning we are joined together in this "Special Session" to consider the vital issues confronting our Granite State. Enable us to accept both the challenge and responsibility of our common task, endow us with strength and courage to serve well those whom we represent, and empower us to be decisive in our witness to preserve freedom and justice. Bless the members of this New Hampshire Senate as they embark upon this endeavor of legislative work, and grant them Thy loving care. Amen.

Sen. BRADSHAW led the Pledge of Allegiance.

## CALL OF THE SPECIAL SESSION

OFFICE OF THE SECRETARY OF STATE

Concord, New Hampshire

*To: Members of the General Court*

Pursuant to the New Hampshire Constitution, Part 2, Article 50, the Governor and Council, on a motion duly seconded, voted to call a Special Session of the Legislature at 11:00 A.M. on Wednesday, March 25, 1970, for the purpose of considering the recommendations of the Citizens Task Force and such other business as may properly come before the General Court.

*Respectfully,*  
ROBERT L. STARK  
*Secretary of State*

## ROLL OF THE SENATE

The Clerk called the Roll which showed all Senators to be present:

District No.

1. Laurier Lamontagne
2. Charles F. Armstrong
3. Lester E. Mitchell, Sr.

4. George Gilman
5. Howard Townsend
6. Edith B. Gardner
7. Alf E. Jacobson
8. Harry V. Spanos
9. John P. H. Chandler, Jr.
10. John R. Bradshaw
11. Robert English
12. Frederick A. Porter
13. Richard Leonard
14. Richard Ferdinando
15. William P. Gove
16. Lorenzo P. Gauthier
17. Elmer T. Bourque
18. Paul E. Provost
19. Russell A. Mason
20. Ronald Marcotte
21. James Koromilas
22. Thomas J. Claveau
23. Arthur Tufts
24. Eileen Foley

Sen MASON offered the following Resolution:

*Resolved*, That the rules of the Senate of the 1969 Session of the General Court be continued as the rules of the Senate for the 1970 Special Session, unless otherwise ordered by the Senate.

Sen. KOROMILAS: I would like to inquire from a member of the Rules Committee whether the Rules Committee did examine the effect of the Senate passing the present Resolution. How it would affect bills that did not go through the last session. How it would affect bills that were not indefinitely postponed, but did not get passed.

Sen. SPANOS: I can't respond to that question as posed by Sen. Koromilas, but I think it is a darned good question.

Sen. GILMAN: Would not this be the same as moving reconsideration; if it were defeated, it would then take a suspension to bring it back. This would appear to be in the regular procedure.

Sen. KOROMILAS: Let's assume that no reconsideration was offered.

Sen. GILMAN: Then a simple majority.

The CHAIR: That would be the ruling of the Chair.

Sen. JACOBSON stated he would offer an amendment, whereby Item 6 would become Item 7 in order for power and procedure.

(Discussion)

Sen. KOROMILAS moved that further consideration of the Resolution be made Special Order for tomorrow at 1:01.

The CHAIR declared a short Recess.

(Recess)

Sen. KOROMILAS withdrew his motion for Special Order.

Sen. JACOBSON withdrew his motion in order that another procedure available may be searched out.

The CHAIR: The Resolution of Sen. Mason says "unless otherwise ordered by the Senate."

Sen. KOROMILAS: Is it fair to say that the Rules Committee will entertain any particular rule change for the Senate in the very near future and by voting for this Resolution, we are not closing the door?

The CHAIR: Yes. As Chairman of the Rules Committee, there will be consideration of the request.

Sen. MARCOTTE: Am I to understand that anything that has been indefinitely postponed in 1969 will not be allowed to come in at this special session?

The CHAIR: The rule will apply that a two-thirds' vote would be necessary. It would be better to refer to the actual wording. The question is indefinitely postponed shall not be acted upon unless by two-thirds' vote by Division taken vote in favor of it.

Sen. MARCOTTE: Would this not affect the business profits tax bill that will be coming in?

The CHAIR: Each bill that comes before us will have to be decided on the materials contained therein.

(Discussion)



The Resolution offered by Sen. MASON was adopted by unanimous vote.

Sen. ENGLISH moved the following Resolution which was unanimously adopted.

*Resolved*, That the House of Representatives be informed that under authority of the Call of a Special Session by the Governor and Council, the Senate has assembled and is now ready to proceed with the business of the 1970 Special Session.

### HOUSE MESSAGE

The House has assembled under the authority of the Call of a Special Session by the Governor and Council, and is now ready to proceed with the business of the 1970 Special Session.

The House will be ready to meet the Senate in joint convention at twelve o'clock for the purpose of receiving his Excellency the Governor and any communication he may be pleased to make, and that a joint committee of five consisting of three on the part of the House and two on the part of the Senate be appointed to wait upon his Excellency and inform him accordingly.

The members of the House are: Reps. Brungot, Sheldon Barker and Normandin.

Sen. JACOBSON moved the Senate vote to concur with the House.

The CHAIR appointed Sens. Bradshaw and Spanos to serve on the joint committee.

The CHAIR declared a Recess to meet in Joint Convention.

(Recess)

(See House Journal for remarks of the Governor) .

On motion of Sen. FOLEY, the rules were so far suspended as to allow the following Senate Bills to be read for the first and second time and referred to Committee and public hearing be held without being advertised for two days in the Journal.

## INTRODUCTION OF SENATE BILLS

## First &amp; Second Reading &amp; Reference

SB 1, creating four deputies to the governor and making an appropriation therefor. (Townsend of Dist. 5 and Bradshaw of Dist. 10 — To Executive Departments, Municipal & County Governments.)

SB 2, creating the office of director of the budget. (Gilman of Dist. 4 — To Finance.)

SB 3, relative to the governor's staff and employment of a counsel. (Koromilas of Dist. 21 — To Executive Departments, Municipal and County Governments.)

SB 4, changing the exemptions allowed from the legacy and succession tax. (Armstrong of Dist. 2 — To Ways and Means.)

SB 5, relative to examination and educational requirements of physicians. (English of Dist. 11 — To Public Health, Welfare and State Institutions.)

SB 6, relative to the real estate commission and making an appropriation therefor. (Claveau of Dist. 22 — To Judiciary.)

SB 7, ratifying the compact for education and making an appropriation therefor. Bradshaw of Dist. 10 — To Education.)

SB 8, increasing the salary of the Strafford county attorney. (Koromilas of Dist. 21 — To Executive Departments, Municipal and County Government.)

SB 9, relative to the Pierce Brigade, Inc. (Chandler of Dist. 9 — To Ways and Means and Administrative Affairs.)

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars. (Leonard of Dist. 13 — To Executive Departments, Municipal and County Governments.)

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations. (Spanos of Dist. 8 — To Ways and Means and Administrative Affairs.)

SB 12, relative to retirement credits for Teresa B. Desmarais. (Foley of Dist. 24 — To Ways and Means and Administrative Affairs.)

SB 13, relative to the practice of law by professional associations. (Leonard of Dist. 13 — To Judiciary.)

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above. (Jacobson of Dist. 7, Spanos of Dist. 8 — To Education.)

SB 15, validating the marriage of Alfred and Marie-Anne Langlois. (Lamontagne of Dist. 1 — To Judiciary.)

On motion of Sen. KOROMILAS, the rules were so far suspended as to permit a Committee Report not previously advertised in the Journal.

### COMMITTEE REPORT

SB 15, validating the marriage of Alfred and Marie Anne Langlois. Ought to pass. Sen. Koromilas for Judiciary.

Sen. KOROMILAS: This is a bill by Sen. Lamontagne. It pertains to a marriage that was a first cousins marriage some years ago. Since the State prohibits the marriage of cousins, the Langlois have been having difficulty with the Social Security administration and I think this should be remedied and I wholeheartedly support this report.

Ordered to third reading.

Sen. LAMONTAGNE: Mr. President: I want to say thank you to all the members of the Senate for Mr. and Mrs. Langlois who have been married for 42 years and lived in Berlin all these years. They were married in Canada and it has been a very happy marriage.

Assuming that this SB 15 would not pass they would have to move into another State or go back to Canada because Mrs. Langlois is a housewife and never worked to earn



any social security for herself. She was dependent upon receiving social security on the earnings of her husband.

Now that this Senate Bill 15 has been passed by the Senate for the concurrence of the House and I hope that it will pass, Mr. Langlois will be able to retire and his wife will be able to get social security with her husband and therefore this couple will not have to leave their friends and family.

Again may I thank you the members of the Senate for support that you have given SB 15.

## INTRODUCTION OF SENATE BILLS (Contd.)

### First reading of bill

SB 16, relative to the expansion of the water system at the University of New Hampshire and making an appropriation therefor. (Koromilas of Dist. 21 — to Finance)

The CHAIR: The Chair feels there may be a question where the subject matter is concerned here and in order to make sure that this bill is within the wishes of the Senate, I would like to have a Division vote on SB 16 in ordering to second reading. This bill is relative to the expansion of the water system at UNH and makes an appropriation therefor. I would ask those in favor of entering the bill to stand on the first call and those not in favor to stand on the second.

Those in favor: 21 voting yes.

Those against: None.

Read a second time and referred to Finance.

## FIRST READING OF BILL

SB 17, increasing the motor vehicle road toll to be used for town road maintenance. (Armstrong of Dist. 2 — To Ways & Means)

The CHAIR: The Chair feels that the subject matter in this bill might also fall under the two-thirds' situation of being introduced into this Special Session.

Sen. CLAVEAU: I believe it was indefinitely postponed. This bill was indefinitely postponed in the regular procedure

in this body. I don't think it should be introduced again.

Sen. ARMSTRONG: I believe the Committee Report on this bill was sustained as inexpedient to legislate.

Sen. CLAVEAU: I believe it was indefinitely postponed. I made the motion.

Sen. ARMSTRONG: I believe the whole atmosphere of the House and Senate has changed during the past few months and I believe this body may want to allow the users to contribute in maintaining these town roads and city streets. I would like to have the Committee hear this bill again.

Sen. LAMONTAGNE: At the last session, I opposed this type of bill. I will not oppose its introduction and referral to Committee, but I am still in opposition to the bill.

Sen. MARCOTTE requested clarification.

The CHAIR: I believe the Senate will have to decide by the two-thirds' vote whether to enter this bill or not. This is a screening matter for the Senate to decide whether or not.

Sen. KOROMILAS: I rise in support of this being entered. I support the introduction of this bill at the present time.

Sen. JACOBSON: What were the facts regarding the bill last session? Can the Clerk report?

The CHAIR: This will take a few minutes. Perhaps the question was not fully understood on my part. The presiding officer is just doing this to safeguard the Senate and himself.

The CHAIR declared a Recess.

(Recess)

The CHAIR: Referral to the June 11th Journal indicates that this bill was indeed voted indefinitely postponed. By a vote of 10 to 8.

Sen. JACOBSON spoke in support of entering the bill.

Also Sen. SPANOS, Sen. MASON and Sen. MARCOTTE.

Sen. CLAVEAU spoke in opposition.

By standing vote, those in favor of allowing the bill to be introduced: 21

Against introduction, one. Sen. CLAVEAU.

The motion prevailed, and the bill was read a second time and referred to Ways & Means.

## INTRODUCTION OF SENATE BILLS

### First and Second Reading & Referral

SB 18, authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state. (Bradshaw of Dist. 10 — To Ways and Means and Administrative Affairs.)

SB 19, transferring the office of planning and research to the office of the governor. (Bradshaw of Dist. 10 — To Executive Departments and Administration.)

SB 20, relative to the election of Rockingham county commissioners. (Tufts of Dist. 23, Mason of Dist. 19 — Referred to Committee on Executive Departments, Municipal and County Governments.)

SB 21, to clarify the authority of the water supply and pollution control commission. (Bradshaw of Dist. 10 — To Resources, Recreation and Development.)

SB 22, relative to municipal permits for previously registered vehicles. (Lamontagne of Dist. 1 — To Judiciary.)

SB 23, increasing the appropriation for the southwestern state park extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. (Bradshaw of Dist. 10 — To Public Works and Transportation.)

SB 24, appropriating additional funds for a data processing building and providing for additional personnel for data processing. (Bradshaw of Dist. 10 — To Public Works and Transportation.)

SB 25, relative to the department of centralized data processing. (Bradshaw of Dist. 10 — To Executive Departments, Municipal and County Governments.)

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation. (Townsend of Dist. 5 — To Agriculture and Fish and Game.)

SB 27, relative to the air pollution commission. (Koromilas of Dist. 21 — To Resources, Recreation and Development.)

SB 28, relative to the budgetary footnote relative to the New Hampshire commission on the arts. (Foley of Dist. 24 — To Finance.)

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school. (Jacobson of Dist. 7 — To Public Works and Transportation.)

SB 30, relative to increasing the interest charged for delinquent tax payment. (Marcotte of Dist. 20, Tufts of Dist. 23 — To Executive Departments, Municipal and County Government.)

SB 31, relative to the purchase, sale and transportation of explosives and making an appropriation therefor. (Bradshaw of Dist. 10 — To Public Works and Transportation.)

SB 32, relative to the Cooperative School District No. 1 of the town of Derry. (Mason of Dist. 19 — To Education.)

#### INTRODUCTION OF CA CRs

##### First, Second Reading & Referral

CA-CR 1, Relating to: How Often the Legislature Shall Meet. Providing that: The Legislature Shall Meet Annually. (English of Dist. 11 — To Judiciary.)

CA-CR 2, Relating to: Establishing a Four Year Term for Governor. Providing that: The Governor Shall be Elected Every Four Years on the Nonpresidential Election Years, and no person shall Serve more than Two Terms consecutively. (Bradshaw of Dist. 10 and Spanos of Dist. 8 — To Judiciary.)

CA-CR 3, Relating to: Line item veto. Providing that: Separate items in an appropriation bill may be vetoed or reduced by the governor. (Bradshaw of Dist. 10 — To Judiciary.)

##### First Reading of CA CR 4

CA-CR 4, Relating to: Granting the legislature greater flexibility in raising public revenue through the power to tax. Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently. Spanos of Dist. 8 — To Judiciary.)

Sen. SPANOS: Mr. President, Although this constitutional amendment was indefinitely postponed at our regular session, I ask this body to permit the introduction of this amendment for our future consideration. In my opinion, it is one of the most important issues that will come before us in this session.

As legislators, we operate confined within a "straight-jacket" when it comes to raising needed revenues. We must by *necessity* find stop-gap and splinter taxes to meet our needs and as a result many basic needs go unmet.

I think that the legislature should have the right to consider more alternatives of revenue raising than within the areas we have now. We should have the right to consider one's "ability-to-pay" which is the *fairest* and most *equitable* means to raise money and this area we cannot explore because of our present constitutional limitation. We should be able to consider taxing property differently which we cannot do today. Under this proposed amendment, we could tax stock-in-trade at a different rate than real estate, for example. In other words, we could tax property with far more justice and morality than we do now.

The Task Force, for which we meet here at this session, has in their words offered us a blue-print for the future. How we can possibly meet these proposed needs without at least considering new sources of revenue is beyond me. We are not going to cope with our problems within the tax framework we operate under today or even within the measures being currently proposed. I don't believe that you wish to keep coming back here year in and year out and struggling over where the monies are coming from and who gets how much of the small pie, nor do you wish to continue to burden the property owners because of our inability to meet the people's needs.

Therefore, I hope you will support the introduction of this amendment so that we may consider its merits and all its ramifications.

Sen. KOROMILAS spoke in support of introduction of this CA CR. Stated he felt Sen. Spanos should have the opportunity to be heard, and for that reason would support the motion.

On standing vote: nineteen voting yes.

None voting no.



Motion prevailed. CA CR 4 was read a second time and referred to Judiciary.

### SENATE CONCURRENT RESOLUTION #1

Sen. BRADSHAW offered the following Senate Concurrent Resolution which was unanimously adopted:

Be it resolved by the Senate, the House of Representatives concurring, that the Clerks and Assistant Clerks of each House shall for the 1970 Special Session be paid the same daily compensation as they receive during a regular session.

### HOUSE MESSAGES

The House of Representatives has passed the following concurrent resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

Be it resolved by the House, the Senate concurring, that the actions of the rules committees of each house and the joint rules committee in granting and denying approval for drafting, preprinting, and introduction of bills, joint resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling of all hearings by said committees as printed in the calendars of both houses and today distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

On motion of Sen. MITCHELL, the Senate voted to concur.

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

Be it resolved by the House of Representatives, the Senate concurring, that the joint rules of the 1969 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1970 special session.

Sen. BRADSHAW explained the amendments to the rules.

(Discussion)

Sen. PORTER moved the Senate concur.

Sen. KOROMILAS: Does not this require a two-thirds vote?

The CHAIR: The Clerk has advised me that it does not.

Sen. KOROMILAS: I would like the record to show that I voted in opposition to the motion. Also, Sen. MASON and Sen. CHANDLER.

The CHAIR recognized Sen. GILMAN: Mr. President: Prior to the convening of the Senate this morning, I noticed quite a display of signs in the House Gallery. No matter what such signs might advocate, I find it disturbing and most distasteful that this form of picketing is allowed within the State House. I would hope that signs in this form might be banned from the State House.

Picketing with signs is a legitimate form of public expression but to permit such activity in the House or Senate, or even within the State House is, in my judgement, unwise and improper.

My question, Mr. President, under the rules of the Senate can we be assured that the Senate Gallery will not be used for this purpose or in this way. As I read Senate Rule 13, the President has authority to rule on decorum in the Chamber and also in the gallery and to take such action as is necessary to suppress any disturbances. I would hope, Mr. President, that this would extend to the use of signs in any form or for any cause within the State House, but particularly within the Senate.

The CHAIR: The presiding officer feels that the President of the Senate has ample authority under Senate 13 to control and maintain decorum in the Senate and the gallery and that no additional authority is necessary.

The CHAIR recognized Sen. JACOBSON under personal privilege: Mr. President, when the Rules Committee met to consider the introduction of bills, I suggested a bill to establish a small, interim commission to study possible legislation to be introduced in the 1971 session aimed at reducing the frightful toll of deaths on our public highways. The Rules Committee regrettably refused to admit the proposal. I shall not directly challenge this decision at this time.

I would, however, point out that on February 17, the date of the Rules meeting, 14 persons, mostly of youthful age had

met death in auto accidents. Today, this figure has now more than doubled. Indeed, just last evening, a young woman of 18 met death on Interstate 89. If the State had had some additional piece of legislation to correct some problems, possibly one life could have been saved. Surely a life with a potential life span of 50 to 60 or more years ought to be worth the price of the commission if only from that person's economic potential, let alone the intangible social contributions possible.

Last year, more people met death on our highways than any other previous year. Between now and the end of this year, more than 150 people will die on our highways. If this prediction were being made for some epidemical disease threatening our people, all the resources of the State would be marshaled to alleviate such a dire prospect.

My own view is that we as legislators should be sufficiently committed to ameliorate this cruel social menace. Last evening I listened to a program relating to automobile bumpers. The astounding facts brought out show that a change in bumper construction would reduce insurance cost twenty per cent. My point is that from every aspect including the lesser matter of economics when compared to life itself, it would be reasonable to seek out possible solutions to reduce auto accidents on all levels of intensity. I am hopeful that my colleagues will carefully consider this need. If there appears to be a consensus in this matter, I would move the introduction of a bill. If we, as the Senate, would be moved to consider this, I am of the view that we would do an important public service.

Fundamentally, the problem is that various bodies have studied automobile accidents *ad infinitum* but over and over again these studies gather dust without receiving legislative form. Only by the legislature can corrective procedures be established. I submit that we have a public responsibility in this matter.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR would announce that because of the arrangement whereby Senate and House Committees are holding public hearings across the river and in a commercial establishment and not in this area, a shuttle bus will be available for the Senate, moving from the State House to the hearings across the

river starting tomorrow from 9 to 5. From the ramp near the north door. The bus will run as often as the bus is filled. This is for the convenience of the Senators and others who wish to speak on bills and attend committee hearings.

### RESOLUTION (by Rules Committee)

#### RESOLUTION

*Whereas*, Mrs. Marion L. Phillips of Claremont, a former State Senator from the 8th District, has passed away, and

*Whereas*, She also served with dignity and distinction as a former Mayor of the City of Claremont, and as a Member of the House of Representatives in the 1959 session,

*Resolved*, That we, the Members of the Senate of the General Court of the State of New Hampshire, hereby wish to extoll our former Fellow Member for her service to her City, State and Country and be it

*Resolved*, that we extend to her family our sincere sympathy in its bereavement, and be it further

*Resolved*, that the Clerk transmit a copy of these Resolutions to her survivors.

The above Resolution was unanimously adopted by a standing vote.

#### ANNOUNCEMENT BY THE CHAIR

The Chair announced that Senator Mitchell would be Chairman of Public Health, Welfare and State Institutions Committee and would also serve on the Banks, Insurance and Claims Committee; that Senator Porter would be Chairman of Resources, Recreation and Development Committee and would also serve on the Executive Department, Municipal and County Governments Committee; that Senator Mason would go off the Resources, Recreation and Development Committee and would go on the Ways and Means and Administrative Affairs Committee; and that Senator Jacobson would step down as Chairman of Resources, Recreation and Development, but remain as a Committee member.

## ANNOUNCEMENT BY THE CHAIR

The CHAIR regrets errors which appear in the Senate portion of the black book. I would like to go into great detail on how the Senate tried its very best and explain as to what happened, but it would reflect on the Clerk of the House so I would just point out that I saw the typed material that Mrs. Kirby typed and I heard the Clerk give it to the printer, but it did not get printed as it should have. It omitted Mrs. MacCleery's name. On Page 37, the material which we gave to the printer did not include the name of Buchanan, but it's there. There may be other errors, I won't go further.

Sen. BRADSHAW moved the Senate go into the late session and when it adjourns today, it adjourn in honor of Greek Independence Day, to include but not limited to the Greek members of the House and Senate and Vice President Agnew. KRONIA POLLA.

## LATE SESSION

Third reading and final passage of bill

SB 15, validating the marriage of Alfred and Marie Anne Langlois.

Sen. SPANOS moved adjournment at 2:45 p.m.

---

*Thursday*

*26Mar70*

Rev. William L. Shafer, Senate Chaplain, offered prayer:

Divine Jesus, incarnate Son of God, who, for our salvation didst vouchsafe to be born in a stable; to pass Thy life in poverty, trials, and misery, and to die amid the sufferings of the cross, I entreat Thee, say to Thy Divine Father at the hour of my death: "Father, forgive him," say to Thy beloved Mother: "Behold, Thy Son," say to my soul; "This day thou shalt be with me in Paradise," My God, my God, forsake me not in that

hour. "I thirst," yes, my God, my soul thirsteth after Thee, who are the fountain of living waters. My life passeth like a shadow; yet, a little while and all will be consummated. Wherefore, my adorable Saviour, from this moment, for all eternity. "Into Thy hands I commend my spirit." Lord, Jesus, receive my soul. Amen.

(Holy Week Prayer  
excerpt from "A Minute of Prayer"  
(Roman Catholic Prayers) edited by C. Cross)

Sen. GARDNER led the Pledge of Allegiance.

## INTRODUCTION OF SENATE BILLS

1st & 2nd reading & reference

SB 33, providing for a liquor advisory commission. (Ferdinando, Dist. 14 — To Executive Depts.)

Sen. BRADSHAW: Parliamentary inquiry — did that bill pass the Rules Committee?

The CHAIR: Yes.

Sen. BRADSHAW: There was a change from the printed list?

The CHAIR: Yes. This bill was added to the list.

Sen. BRADSHAW: No. It is a change from the printed list.

## SUSPENSION OF THE RULES

Sen. KOROMILAS moved the rules of the Senate be suspended to permit introduction of a Committee Report not previously advertised in the Journal; having to do with CA CR 1, relative to annual sessions.

## COMMITTEE REPORT

CA CR 1, proposing Constitutional amendments relating to: How often the Legislature shall meet. Providing that: The Legislature shall meet annually. Majority — Ought to Pass. Sen. Koromilas for Judiciary (Majority). Minority — Inexpedient to legislate. Sen. Chandler for Minority, Judiciary

Sen. KOROMILAS: I yield to Sen. ENGLISH.

Sen. ENGLISH: My remarks on this amendment can be brief. The subject is thoroughly familiar to all of you. I would stress that annual budgeting is the most important aspect of this measure, but also to serve the people with legislation which is current to their needs is important. Peering two years into the future in setting budgets for several Departments is highly inefficient at any period of history, but in these days of inflation it becomes a burdensome problem which we must solve by eliminating biennial budgets which we have lived with for too many years.

Sen. CHANDLER: I move that the report of the Minority, inexpedient to legislate, be substituted for that of the Majority, ought to pass. I stood alone two years ago in my opposition to annual sessions, and on the Roll Call vote I was the only one on the vote — 22 to 1. That has not deterred me or changed my mind. We had the hearing last night. It was very interesting — and I was the only one to oppose the bill, as usual. However, you will recall that last time the House did not go along with annual sessions and it did not receive sufficient number of votes to be put on the ballot. It required a two-thirds vote in the House and it failed to receive the two-thirds and the Speaker said it was his fault that it failed because he failed to get all the members of the House in there. I will be brief also. There are merits in having annual sessions. It would not be all bad, but as I said last night, I think the bad outweighs the good. I feel it would be bringing up matters every year instead of every other year. There would be the extra expense of setting up for annual sessions — which would run into considerable amounts of money. . . . I realize I am not convincing anyone, but I did file the Minority report because I wanted a chance to say a few words on the subject and let it be known that there is still one Senator who is opposed to annual sessions.

Sen. BRADSHAW: I rise in opposition to the pending motion. I could not help but notice that it was referred to a couple of times that we have been doing this for 100 years. 100 years ago, it took at least a full day for a Representative to get from Keene to Concord. Now, it can be done in one hour. I would point out that we are living in a much more changing world than we were 100 years ago. This body passed that bill in the regular session and I believe all here are well versed in



what it does. I am against the pending motion and I strongly urge support of the Majority report of the Committee that this CA should pass. I think it is one of the most important bills that we have before us.

Sen. KOROMILAS: I rise in opposition to the pending motion. I would like to go into the contents of CR 1. It is not exactly the same as it was in the last regular session in every degree, but it substantially does follow. The bill as it reads says that the membership can come for 90 days and no more within the 2 year period. It does not separate 45 days in one annual session and 45 days in another session. It is open-ended. As the CA is written, the Legislature if it so decided (if the people do ratify this) could meet 1 day or 2 days a week for the full 2 years. This is the major difference in the bill in the regular session and the one that we have here before us. It is open-ended. I would comment further about the proceedings last night. I think it is unfortunate that our people get involved in partisan politics. I would urge that everyone try to disagree if they wish, but not really be disagreeable to each other.

Sen. ENGLISH: I rise to add a few words in the hope that it will make the Senator from the 9th District feel more comfortable. As we well know it is not possible to write detailed legislation in the Constitution. This is the place where broad problems are set forth. Sen Chandler probably did not see it, but there is available some very carefully worked out plans to put into operation annual sessions. These were prepared at the time several years ago when the public voted overwhelmingly for the Legislature to go on an annual basis. In these rules was the provision that the same measure could not be introduced twice in the same biennium. This prohibition against re-introducing legislation at each session of the biennium, bothered Sen. Chandler, I believe.

Sen. LAMONTAGNE: I wish to speak against the motion. I am in favor of annual sessions. In the years that I have been here, I have seen how the budgets are considered over the years. If we had annual sessions, it would mean that the Dept. heads would only be working on 1 year. When you start guessing, I think it is very, very poor business. That is one of the reasons that I really favor annual sessions.



On motion to substitute, negative prevailed, and motion was lost.

(Discussion)

Report of Committee was adopted.

On ordering to third reading, the CHAIR stated a three-fifths vote would be necessary.

Nineteen voted yes. Four voted no. The CA-CR 1 was ordered to third reading.

Sen. SPANOS moved suspension to permit introduction of Committee Report, not previously advertised in the Journal. Same being CA-CR 4.

### COMMITTEE REPORT

CA-CR 4, Relating to: Granting the Legislature greater flexibility in raising public revenue through the power to tax, and Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently. Majority: Ought to pass. Sen. Spanos, Judiciary — Minority: Inexpedient to legislate. Sen Chandler, Judiciary.

Sen. SPANOS: I had a great deal to say yesterday on the merit of this Constitutional amendment so I expect to be brief.

I do want to make several points in amplification however.

Under the present tax structure under which we operate, those with the least amount of income are paying a greater percentage of their income for taxes than those with greater income. This, I feel, is the great inequity of our tax base. It is not *fair*, it is not *equitable*, and it is not *morally right*.

I think that the people should have a chance by referendum to decide this issue. We should not prevent this from happening.

I also feel that unlike in the past, when they turned down similar propositions, that they will respond affirmatively. We live in far different times than in the past and the burden of inequitable taxes is hitting harder and harder those who can least afford it, and the people will realize it and I feel will support this amendment.

Remember — this measure will give future Legislatures more avenues of approach. We are just *running* out of new sources and as consequence our people's needs are going unmet.

I hope my colleagues will support this amendment.

Sen. CHANDLER: I move the report of the Minority be substituted for that of the majority. We are back in the same old record — playing the broken record again. Played it last session and again playing it now. Usually we vote for these things in the Senate and then the House, in its wisdom, kills them and I hope that is what will happen to this CA here. It is absolutely true, what my colleague on my right has said — this will open the floodgates to all sorts of plans to sock it to the rich. It will probably give carte blanche to the Legislature on the matter, no matter how unfair it might be. These restrictions in the Constitution did not just happen to be there. Our founding fathers put them there on purpose. The power to tax is the power to destroy and that is what we all read when we were in high school. If we pass this and the people approve it on referendum, the floodgates will be open and there will be all kinds of proposals to tax.

Sen. KOROMILAS: I oppose the pending motion. In the past, the Judiciary Committee has always tried to separate this particular type of referendum that has been introduced in past Legislatures by Sen. Spanos. We have always reduced it to the graduated income tax. This body did pass that particular CA in the last session and it went to the House. It did not get the 60% required. Speaking for the Committee, I believe the people should have this type of referendum put before them.

Sen. MARCOTTE: I wish to speak in opposition to the pending motion. Last session, I was very much in favor of this. I sincerely feel that this should be put before the people and allow them to make up their own minds.

Sen. LAMONTAGNE: I rise in support of the motion of Sen. Chandler. I have always opposed a broad base tax and I am going to vote against it now.

Sen. KOROMILAS: Do you feel that by voting for this bill, you are actually supporting a broad base tax?

Sen. LAMONTAGNE: I feel it opens the door for a broad base tax.

On motion to substitute, negative prevailed, and motion was lost.

Report of Committee was adopted.

Sen. Chandler demanded a Roll Call. Seconded by Sen. Bradshaw.

The following Senators voted in the affirmative: Armstrong, Mitchell, Gilman, Townsend, Gardner, Jacobson, Spanos, Leonard, Ferdinando, Gove, Mason, Marcotte, Koromilas, Claveau, Foley and Tufts.

The following voted in the negative: Lamontagne, Chandler, Bradshaw, English, Porter, Gauthier, Bourque and Provost.

Sixteen Senators having voted in the affirmative, and eight having voted in the negative, affirmative prevailed and the CA-CR was ordered to a third reading.

On motion of Sen. Leonard, the rules were suspended to permit introduction of a Committee Report not previously advertised in the Journal. Same being SB 13, relative to the practice of law by professional associations.

### COMMITTEE REPORT

SB 13, relative to the practice of law by professional associations. Ought to pass. Sen. Leonard for Judiciary.

Sen. LEONARD: This is a housekeeping bill. Last session, in 1969, we voted to allow professionals to incorporate. We neglected to research the statutes and after the bill was passed we found out that there was a statute that prohibits corporations from practicing law. All this bill does is exempt attorneys to incorporate from this statute.

Ordered to third reading.

Sen. Gilman moved suspension of the rules to permit introduction of a Committee Report not previously advertised in the Journal. Being SB 16, having to do with expansion of water system at University of N. H.

### COMMITTEE REPORT

SB 16, relative to the expansion of the water system at the University of New Hampshire and making an appropriation therefor. Ought to pass. Sen. Gilman for Finance.

Sen. GILMAN: Mr. President, SB No. 16 introduced by Sen. Koromilas, District No. 21, provides for needed expansion and improvement of the water supply system at the University of New Hampshire. This bill was introduced in the '69 session and was passed by the Senate — although later defeated in the House.

The bill calls for an appropriation of \$750,000 which would be financed by a bond issue to be paid by the University both principal and interest. Presently, quality of water unsatisfactory and pressure is low — dangerously so in the event of serious fire.

The Committee heard testimony this morning from officials at the University which would indicate this is a most critical problem. Funds under this bond issue would be used for expansion of the reservoir system, improvement of the treatment system and these improvements would bring the University water system to a satisfactory level.

We understand this is the first major capital expense for this utility since about 1935. While SB No. 16 relates only to the University it does now and will later even more so, be of added benefit and service to the town which gets its water from the University system. It seems imperative that the action be taken in this area immediately. This bill has the support of the Town Planning Board and the N. H. Water Supply and Pollution Control Commission, all of whom appeared and testified in favor of the bill.

Sen. JACOBSON: I rise in support of the pending motion. I would remind the Senate that last year this matter was before the Senate and we tried to get the bill passed then. However, it was denominated by another name in the House and went under. I would point out that this is a critical need and the Senate has fully supported this need.

Ordered to third reading.

### ANNOUNCEMENT

The Liquor Commission is making available at their Concord store the commemorative bottle for Legislators starting next Tuesday. Two will be allowed to each Legislator.

Sen. SPANOS moved the Senate go into the late session.

## LATE SESSION

## Third Reading &amp; Final Passage of CA CRs and Bills

CA CR 1, Relating to: How often the Legislature Shall Meet. Providing that: The Legislature shall meet annually.

Read a third time and passed by Division vote of 18 yes and 3 no.

On motion of Sen. BRADSHAW, the Senate refused to reconsider its vote on above.

CA CR 4, Relating to: Granting the Legislature greater flexibility in raising public revenue through the power to tax and Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently.

Read a third time and passed by Division vote of 18 yes and 5 no.

Sen. SPANOS moved reconsideration of the vote on the above.

Sen. CHANDLER moved the Senate adjourn.

Motion lost.

Sen. SPANOS moved reconsideration of its vote on above CA CR 4. Motion lost.

SB 13, relative to the practice of law by professional associations.

SB 16, relative to the expansion of the water system at the University of New Hampshire and making an appropriation therefor.

Sen. MARCOTTE: I wish the record to show that the vote was unanimous on SB 16.

Granted by the CHAIR.

The CHAIR recognized Sen. JACOBSON: Under personal privilege, I want to add a short addendum to my speech yesterday by pointing out the headlines in the Manchester Union Leader for today. Also, today is the twenty-fifth anniversary of the final victory at Iwo Jima twenty-five years ago. There is another headline here in the paper and as a member of the Ma-

rine Corps at that time and as one of the very few persons who fought all thirty-six days in the battle of Iwo Jima twenty-five years ago, I only want to pay my personal homage to the more than five thousand fellow Marines who died there during the period of fighting twenty-five years ago.

The CHAIR recognized Sen. CHANDLER: Inasmuch as Sen. Jacobson has mentioned the fact of Iwo Jima, I would just like to agree with his remarks and simply add that it makes me feel very bad that in view of the great amount of American blood that was spilled there that we are giving up that island, or are going to give it up. I think it is a shame to give it up where so many American boys died there to take it and now after not too many years, relinquishing it to the country that had killed our boys in taking the island. I would also like to say that I feel the same way about Okinawa, and other mandated islands in the Pacific. I think that once we have had them and have spent millions of dollars in improving them, I think it is a mistake for this government to relinquish them.

Sen. Foley moved adjournment at 2:40 p.m. to meet next Tuesday at 1 p.m.

---

*Tuesday*

*31Mar70*

Rev. William L. Shafer, Senate Chaplain, offered prayer.

O GOD, our Father, the Father of our Lord Jesus Christ, the source of wisdom, love, and power: without Thy Wisdom, our knowledge is meaningless: without Thy Love, our lives are plagued with selfishness: without Thy Power our world frustrates human freedom and dignity. Protect us from the dangers of hurried decisions and hasty conclusions; protect us from the compulsions of ego and the temptations of expediency; and enable us to honor Thee in our search for truth and in our quest for democracy. Amen.

Sen. LAMONTAGNE offered the Pledge of Allegiance.

## HOUSE MESSAGE

1st &amp; 2nd reading &amp; reference

HB 24, allowing members of the General Court to work at the Race Track on non legislative days. To Judiciary.

HB 18, relative to the burden of proof relating to comparative negligence. To Judiciary.

## SUSPENSION OF THE RULES

Sen. Gove moved suspension of the rules to permit introduction of Committee Report not previously advertised in the Journal. Relative to the Pierce Brigade, Inc.

## COMMITTEE REPORT

SB 9, relative to the Pierce Brigade, Inc. Ought to pass with amendment. Sen. GAUTHIER for Ways & Means.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of twenty thousand dollars is hereby appropriated to the Pierce Brigade, Inc., a New Hampshire nonprofit corporation, to be used by said corporation only for the purpose of renovating and restoring the Pierce Manse, homestead of Franklin Pierce, in Concord, and upon the condition that the Pierce Brigade, Inc., for itself and its successors and assigns agree in writing, in a form approved by the attorney general, that should said homestead ever be used for any purpose other than as an historic landmark and museum it shall become the property of the state of New Hampshire. The sum hereby appropriated shall be a charge against the additional markup provided for by Laws of 1969, 186 which is thereby credited to and made a part of the legislative appropriation.

Sen. GOVE: This bill, introduced by Sen. Chandler, provides money for aid to the Pierce Brigade in its endeavor to maintain a historic building formerly owned by U. S. President Franklin Pierce. The residence as it now stands has been in an urban renewal district and would have been subject to bulldozers if it had not been for a group of interested citizens who worked together for the restoration and removal of this home. The Brigade has worked diligently and they have made arrangements to move this structure to a historic district. The city of



Concord and the federal government have entered into a compact, the federal government to assume three-fourths and Concord one-fourth of the cost. Considerable money has been raised on a voluntary basis by citizens of the State of New Hampshire to preserve this structure and re-do it. About \$42,000 is needed to fulfill the projection. The Committee in its discussion today has asked that the bill be amended to increase the appropriation to \$20,000. It was felt that we wanted to put this on sound footing. This will enable the Brigade to preserve this structure in a new location. In case the Brigade has to disband because of inability to carry on, this property would revert to the State of New Hampshire. I would like to point out that the funds that we ask in this bill would come from funds from the sales of the Commemorative bottles of the State House. Sen. Chandler felt that this was particularly fitting and that this was a chance to do something to preserve our heritage.

Sen. ARMSTRONG: Was President Pierce a Democrat or a Republican?

Sen. GOVE: A Democrat. One of the great leaders of the State of New Hampshire.

The CHAIR: The Committee amended this so that what we are considering in the Report of the Committee is the bill as amended?

Sen. GOVE: Yes.

Sen. SPANOS: I rise in support of the bill as amended and introduced by my good friend on my *left*, Sen. Chandler.

I do so for several reasons; first, Franklin Pierce was New Hampshire's *only* President; second, I have always favored the preservation of our historical landmarks; third, paraphrasing the words of the recent 1970 Census advertisement, in order to know where we are going, we should know where we have been; and last but not least, Franklin Pierce was a Democrat.

Sen. LAMONTAGNE: Being a member of the Committee on the Sesquicentennial, I favor the bill very much and also the amendment.

Sen. MASON: I rise in support of the Committee Report and amendment. Those of us who heard this bill, there is a profit of some \$70,000 in this fund and we are asking that \$20,000 be used for this occasion.



Sen. GILMAN: I support the Committee Report and amendment. I rise to inquire if this will go to Finance. I am intrigued with this manner of financing. I would like to think that we would have another look at this manner of financing, but I am indeed in favor of the work that has been done by the Pierce Brigade and it seems that a historic house of this character should be included among our treasures.

The CHAIR: Does the Chairman feel that would be in the interest of good government that it go to Finance?

Sen. GILMAN: Yes, indeed I would. I assure Sen. Chandler that we will handle this thing expeditiously, but it does seem appropriate that some review be given to this type of financing. There may be other pieces of legislation that may come in in this same way.

Amendment was adopted. The bill was referred to Finance, under the rules.

### ORDER VACATED

The CHAIR: Unless the Chair hears an objection, he would like to vacate the order whereby SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school, was referred to Public Works, and refer it to Education. Upon examination of the bill, it indicates that no State money is involved in the construction of a road to the school and that School Districts are called upon to decide the matter at their own meeting.

The Chair recognized Sen. MARCOTTE, under personal privilege: I would just like to refer to a situation that has happened the last two days while I was in session. This refers to the Joint Rules of the House and Senate. I very much disapproved of the manner in which the 1969 rules were adopted by the body here and also in the House. The reason that I had disagreement is for the simple reason that many subject matters in the 1969 session which were indefinitely postponed or inexpedient to legislate, would come back in this special session. Just yesterday, I gave a release to the news media within my area relative to this situation. I still feel that if we are going into a Special Session and abide by what a Special Session has defined, we should stick with the matters that concern this Special Session. I told the news media that I felt this was a waste of time

and money here on measures that have been killed. I would make one remark with reference to the Joint Rules. I do feel after talking with the Minority leader that I don't believe it is possible to adjourn this Special Session in any way, but I do feel if a bill is passed by a two-third's vote in one body, it should be a gentleman's agreement in the Joint Rules that this would be approved by either the House or Senate. I think this is a very important step. Otherwise, we may find ourselves dealing with more than 100 bills in the future.

Sen. CHANDLER: I was not aware that the distinguished Senator from Somersworth was going to make any remarks on the subject, but seeing he has, I would like to point out this morning that Joint House Appropriations and Senate Finance held hearings on several bills which took about one hour. It was kind of an omnibus bill composed of 5 different bills killed in the last regular session. They have all been combined in one bill and introduced by the Speaker. I don't know if they had been indefinitely postponed or voted inexpedient to legislate. I do wish to agree somewhat with the remarks of my colleague that we will be subject to this type of thing and especially if we come back in annual session. Anybody who has lost a bill will be conniving and planning to get it in at the next annual session. These 5 bills were somewhat germane; 3 had been killed in the House, 1 in the Senate, and 1 which had something to do with the Dept. of Education that had also been killed last session. Now, they are all combined in HB 26.

Sen. LAMONTAGNE: Under personal privilege. Once again the north country has been hit today by another program which has been discontinued. Again, this was a big surprise and I don't know when it was posted. The American Express Company is discontinuing its service to the north country. Funds have been taken away from improving Interstate 93. I am disappointed about this American Express move. If I had known about this before this morning, I would have appeared before the Public Service.

Sen. FOLEY: I looked in our Journal and I see that most of our hearings are Joint with the House — all set for 1 o'clock in the afternoon. Did the leadership consult with the leadership on the other side of the wall or was this not discussed at all?

The CHAIR: At the same time the leadership of the House and Senate met to make the session operate with the utmost efficiency, we did talk with the Committee Chairmen who all expressed their willingness to make this operation as expeditious as possible. At that time, an informal poll was taken by the leadership and at the same time, the House leadership felt very well that they also would like to have a 1 o'clock session, but they based their opening at 11 o'clock on the basis that they had taken a poll during the last session and it had been overwhelmingly for 11 o'clock and they did not feel that they could move to the 1 o'clock.

Sen. ARMSTRONG: I too deplore the action of the American Express. I should like to deplore also the fact that Secretary Volpe has seen fit to de-map Interstate 93 north of Woodstock. One other, thing, Secretary Hickel has I believe, advised Resources, Recreation & Development that he is not going to match funds for any building that has a restaurant. That is deplorable because we do lease facilities at Cannon Mountain.

The CHAIR: The Joint Hearings were supposed to be at 1:30 and I think this is so and not at 1 o'clock. We will try to convene at 1 o'clock, or as close thereto as we can tomorrow.

### SUSPENSION OF THE RULES

Sen. Lamontagne moved suspension to dispense with holding of public hearing, without advertising in the Journal, and the following bill taken up at the present time. Adopted.

HB 24, allowing members of the General Court to work at the Race Track on non-Legislative days.

Sen. LAMONTAGNE: This bill would allow the members of the General Court to go to work at the Race Track on non-Legislative days. If this bill could pass here today, it could be signed tomorrow and our friends could go to work on Friday.

Sen. ENGLISH: This proposal, I believe, has strong merits. It has long seemed to me that workers at the Race Track should not be discriminated against when other lines of work are permitted. It should be noted, of course, that they will not be working at the Race Track on Legislative days. I strongly support the measure.

Sen. SPANOS: I rise in full support of the motion offered by my colleague from the 1st district.

Sen. Lamontagne moved suspension to allow introduction of a Committee Report not previously advertised in the Journal. Adopted.

### COMMITTEE REPORT

HB 24, allowing members of the General Court to work at the Race Track on non-Legislative days. Ought to pass. Sen. Koromilas for Judiciary.

Sen. KOROMILAS: The bill has been changed in the House to make it effective upon the date of its passage. When the bill came in in its original form, it would have taken effect 60 days after passage. If I am not mistaken, that is the change that has been made in the House. The present law says that a person associated with the racing plant cannot be employed at any time while the General Court is in session. The effect of this bill, it says that any day the General Court is in session, they cannot work. On the days when the General Court is not in session, they may work at the racing plant.

Ordered to third reading.

Sen. Spanos moved the Senate go into the late session, and when it adjourns today, it adjourn in honor of Franklin Pierce.

### LATE SESSION

Third reading & final passage of bill

HB 24, allowing members of the General Court to work at the Race Track on non-Legislative days.

On motion of Sen. Lamontagne, the Senate refused to reconsider its vote on the above bill.

Sen. Gauthier moved adjournment at 2 p.m. to meet tomorrow at 1 p.m.

*Wednesday**1 Apr 70*

Rev. Wm. L. Shafer, Senate Chaplain, offered prayer.

ALMIGHTY and LOVING GOD, Ruler of the universe, we bear in petition before Thee our government and its leaders on all levels of our society. As human order and authority come from Thy plan and will, therefore we recognize that no permanent good comes by neglect or disregard of Thy Way. So endue us all, and especially those of this Senate, with Thy Light and Thy Direction, that we may think and do that which is truly pleasing to Thee and good for our fellow men. Persuade us of the value of being surrendered to Thy Eternal Purposes even while we live and work here in the confinement of time. This we ask in the Name of Thy Son, Jesus Christ, the Revealer of Thy Way. Amen.

Sen. Armstrong led the Pledge of Allegiance.

#### ENROLLED BILLS COMMITTEE REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House Bill:

HB 24, An Act allowing members of the general court to work at the race track on non-legislative days.

Paul E. Provost, for Committee

Report accepted.

#### INTRODUCTION OF SENATE BILLS

First, second reading and reference

SB 34, relative to the salaries of the justices and clerks of the Manchester district court. (Bourque of Dist. 17 — To Judiciary)

SB 35, removing a conflict in the issuance of search warrants. (Koromilas of Dist. 21 — To Judiciary)

#### HOUSE MESSAGES

Concurrence by the House on:

SB 15, validating the marriage of Alfred and Marie-Anne Langlois.

## INTRODUCTION OF HOUSE BILL & HJR

First, second reading & reference

HB 5, transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital. To Public Health.

HJR 2, establishing a commission to recommend changes in the councilor districts. To Judiciary.

## RULES SUSPENDED

Sen. Mason moved suspension to allow introduction of Committee Report.

### SB 26

transferring operation and management of state building at Eastern States Exposition from DRED to Dept. of agriculture and making an appropriation. Ought to pass. Sen. Mason for Agriculture and Fish & Game.

Sen. TOWNSEND: This bill is somewhat of a house cleaning bill because the transferring of the operation occurred during the budget acceptance last June. But we failed to make the necessary steps to change this. As things set now, the New Hampshire building at the Eastern States Exposition is still under the State Planning & Development, but it is being run by the Dept. of Agriculture. This bill would transfer the authority from State Planning & Development Commission to the Dept. of Agriculture. It also includes the \$6,000 appropriation for fire insurance on the building. At the moment, there is no money in either the State Planning & Development Commission or in the Dept. of Agriculture. In case the building burns, somebody is going to be left holding the bag. I would assume this would necessarily be referred to the Committee on Finance.

The CHAIR: That is a very good assumption on the part of the Senator.

Bill referred to Finance under the Rules.

## ANNOUNCEMENT BY THE CHAIR

The CHAIR would announce that the forms that have appeared on your desk yesterday and today are a service for the Senators. This is a glance guide for you to look at and quickly see where your Committee may be meeting and then to see if you have any conflict. For further information, you may refer to the regular Calendar.

Sen. Spanos moved the Senate go into the late session and when it adjourns today, it adjourn in honor of Chief Warrant Officer James E. Schunemann of Manchester who became the 218th serviceman to be killed in the Vietnam War.

## LATE SESSION

Sen. Chandler moved adjournment at 1:30 p.m.

---

*Thursday*  
*2Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

Direct, we beseech Thee, O LORD, our actions by Thy inspirations and further them with Thy continual help, that every prayer and work of ours may always begin from Thee and through Thee be happily ended. May Thy blessing, O LORD, descend upon us all, that in our respect for one another and in our respect for Thee, we may make this day more meaningful and our endeavors more important in the cause, in the preservation, and in the promotion of truth and justice. Amen.

Sen. Armstrong led Pledge of Allegiance.

## INTRODUCTION OF SENATE BILL

First, second reading & reference

SB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the director provides. (Armstrong, Dist. 2 — To Public Works & Transportation)

## ENROLLED BILLS COMMITTEE REPORT

SB 15, validating the marriage of Alfred and Marie-Anne Langlois.

Paul E. Provost, for Committee

Accepted.

COMMITTEE REPORT INTRODUCED  
UNDER SUSPENSION

## SB 26

transferring operation and management of state building at Eastern States Exposition from DRED to Dept. of Agriculture and making an appropriation. Ought to pass with amendment. Sen. Townsend for Finance.

Amend section 3 of the bill by inserting after the word "Exposition" the following (and may not be transferred or used for any other purpose) so that said section as amended shall read as follows:

3 Appropriation. There is hereby appropriated the sum of six thousand dollars to be expended by the commissioner of agriculture for insurance premium for the state building at Eastern States Exposition and may not be transferred or used for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. TOWNSEND: This is the same bill that we considered yesterday. We heard it in Finance again this morning and we offered an amendment to go with it. The amendment is merely a stipulation that the appropriation be expended for insurance only. Anything beyond the cost of the insurance will lapse. I would like to add just a word. I have checked with the Commissioner of Agriculture because the question was asked could this all be for insurance. It is all for insurance, for 3 years, \$6,000.

Amendment adopted.

Ordered to third reading.



## COMMITTEE REPORT UNDER SUSPENSION

### SB 3

relative to the governor's staff and employment of a counsel. Ought to pass with amendment. Sen. Marcotte for Executive Depts.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Staff. Amend RSA 4:12 by striking out the same and inserting in place thereof the following: 4:12 Governor's Staff. The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. We shall fix their compensation within the limits of the appropriations made thereof.

Sen. JACOBSON: This bill relates to the question of the governor's staff and employment of a counsel. All the testimony heard yesterday favored the adoption of SB 3. There was however, some discussion regarding two words and on the basis of that discussion the Committee has offered an amendment. The amendment changes the first "shall" to "may" and it changes the first "may" to "shall". This was done to allow the Governor the elasticity of making the appointment rather than rendering him in the position of having to do something by reason of mandate. This does not in any way change the thrust and intent of this bill. It would grant the Governor the power to have professional persons, including that of legal counsel.

Sen. KOROMILAS: Has there been a real change in this particular bill by switching the "shall" to "may?" If the Governor needs something he "shall." Is that correct?

Sen. JACOBSON: I think you and I are saying the same thing.

(Discussion)

Sen. GILMAN: This seems to be broad enough so that the entire prerogative of the Governor's staff may be within this legislation. He may hire temporary counsel under this bill?

Sen. JACOBSON: That is correct. Yes, not only temporary, but for as long as he may need to be fully informed.

Amendment adopted.

Sen. SPANOS: I rise in support of SB 3. I feel that the request for a Governor's staff and counsel is essential to good government. He has great responsibility and as the chosen leader of the State we should give him the necessary tools to dispense justice to the people of this State. I think it is most important that the Chief Executive have proper staffing and advice. Maybe some day we will see the day when the General Court will also be provided with some kind of staff and research facilities and counsel so that we also will be able to do our job more effectively and more efficiently.

(Discussion)

Without objection, the CHAIR referred the bill to Finance.

#### COMMITTEE REPORT UNDER SUSPENSION

##### **SB 10**

relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars. Ought to pass. Sen. Marcotte for Executive Depts.

Sen. JACOBSON: This bill has as its effort to reduce the maximum age of assessing for the poll tax from 70 to 68 so that it will correspond with the action that we took in the regular session last year whereby we reduced the head tax from 70 to 68. Many of the Tax Collectors and other Town officers have found that this has been a difficult matter to deal with. Indeed, the cost of collection of the poll tax has been raised as a result of this tax in some cases as much as \$1.50 out of the \$2.00. In order to compensate for the loss of revenue, the bill proposes to raise that to \$3 from the present \$2. There was no opposition to this bill in the testimony offered at the hearing. Indeed, there was considerable support for a bill that would allow the poll tax and the head tax together in one, thereby reducing the administrative work. However, it was the Committee's opinion that the introduction of an amendment that would so fundamentally change the nature of the bill in this special session would not

be wise, although at some future date, this may be a good bill to introduce. Therefore, we are bringing this to the floor in order to reduce the problems that have arisen.

Sen. MASON: Does this bill in fact strike out the veterans exemption of \$2.00?

Sen. LEONARD: I think I can answer that question. I was the sponsor of this bill. It changes two words, seventy to sixty-eight and \$2 to \$3. That is all it changes.

Ordered to third reading.

### COMMITTEE REPORT UNDER SUSPENSION

#### CA-CR 2

Relating to: Establishing a four year term for Governor.

Providing that: The Governor shall be elected every four years on the non presidential election years, and no person shall serve more than two terms consecutively.

Ought to pass with amendment. Sen. Koromilas, for Majority of Judiciary Committee.

Inexpedient to legislate. Sen. Chandler for Minority of Judiciary Committee.

Sen. KOROMILAS: CA CR 2 is a Task Force recommendation. I think the Senate knows that at the last regular session we passed a similar bill. We have made changes with respect to the CR. As it has come to us, it has a two term limitation. Also, there was some verbiage which was confusing to the Committee. It talked about a plurality and how the Governor would be chosen. The Committee felt this verbiage should be changed.

Sen. JACOBSON: Could you tell us what the change was?

Sen. KOROMILAS: . . . And the qualifications for election as Governor shall be the same as those for Senators. If no person shall have a plurality of votes, the Senate and House shall by joint ballot elect one of the two persons. The higher number of votes to be declared Governor.

Sen. CHANDLER: I would move that the report of the Minority, Inexpedient to legislate, be substituted for that of the Majority, Ought to pass with amendment.

Sen. CHANDLER spoke in support of motion.

(Discussion)

Sen. SPANOS: I rise in support of the Committee report and against the pending motion offered by Sen. Chandler.

Lest I be accused again of playing the same old record, I shall merely say that I have supported and/or sponsored constitutional amendments providing for four year term for the Governor from my Con-Con days through 4 terms in the House and Senate.

I am pleased that the Task Force considers this amendment a key to governmental reform and I was most happy to join with the Honorable Majority leader in the sponsorship of this message.

I hope this body will respond as it did in the past full session and will pass this amendment as I feel that the House will adopt this concept. I strongly feel that the people back home want this change.

Sen. BRADSHAW: I rise in opposition to the pending motion and would hope that we could continue on to listen to the proposed amendment by the Senate Judiciary Committee.

Question on motion to substitute. Negative prevailed. Motion lost.

(Discussion)

Sen. Bradshaw requested a Recess.

(Recess)

Sen. Bradshaw moved that further consideration of CA CR 2 be made Special Order for 1:01 on Tuesday. ADOPTED.

### COMMITTEE REPORT UNDER SUSPENSION

#### **SB 5**

relative to examination and educational requirements of physicians. Ought to pass. Sen. Mitchell for Public Health.

Sen. MITCHELL: I would yield to Sen. ENGLISH.

Sen. ENGLISH: SB 5 itself is concerned with the examination of physicians. The chief purpose of the bill is to make it

possible for New Hampshire to accept a nationally recognized examination for physicians.

I wish to offer the following amendment:

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect upon its passage.

I think I have already stated that there will be a national examination in June and this would make it possible for candidates to take the examination at that time.

Amendment adopted.

Ordered to third reading.

### COMMITTEE REPORT UNDER SUSPENSION

#### SB 32

relative to the Cooperative School District No. 1 of the town of Derry. Ought to pass. Sen. English for Education.

Sen. ENGLISH: SB 32 concerns uniquely the cooperative school district of the town of Derry. It adjusts a problem arising because of two school districts within the town and the application of foundation aid. So far as can be ascertained this bill has no known opposition and it is approved by both districts within Derry and by the State Dept. of Education.

Ordered to third reading.

### HOUSE MESSAGE

House Concurrence in:

SCR No. 1, Be it Resolved by the Senate, the House concurring, that the Clerks and Assistant Clerks of each House shall for the 1970 Special Session be paid the same daily compensation as they receive during a regular session.

Sen. Spanos moved the Senate go into the late session and when it adjourns today, it adjourn out of respect for the late Sheriff of Merrimack County Jack Parker who died yesterday and who served for 17 years the people of Merrimack County with efficiency and with equity.

## LATE SESSION

Third reading & final passage of bills

SB 5, relative to examination and educational requirements of physicians.

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to Dept. of Agriculture and making an appropriation.

SB 32, relative to the Cooperative School District No. 1 of the town of Derry.

Sen. Lamontagne moved the Senate adjourn at 2:45 p.m.

---

*Tuesday*  
*7Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

ALMIGHTY GOD, who didst promise to use the ministries of Thy Eternal and Abiding Spirit; impart unto us the "Spirit of Wisdom" to preside over all our thoughts, words, and actions; the "Spirit of Understanding" to enlighten and teach us; the "Spirit of Counsel" to direct our inexperience; the "Spirit of Fortitude" to strengthen our weakness; the "Spirit of Knowledge" to instruct our ignorance; the "Spirit of Piety" to make us fervent in good works; the "Spirit of Fear" to restrain us from all evil; and the "Spirit of Peace" that we may dwell in perfect harmony in spite of life's discords. May these "ministries" constantly uphold us in the administration of our elected responsibilities, that perfect Truth may abound to Thy honor or glory. Amen.

Sen. MITCHELL led Pledge of Allegiance.

## INTRODUCTION OF SENATE BILL

First, second reading &amp; reference

SB 37, relative to fees for medical referees. (Bradshaw, Dist. 10 — To Judiciary)

## HOUSE MESSAGE

First, second reading &amp; reference

HB 20, prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age. To Executive Depts.

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon. To Executive Depts.

HB 33, clarifying the statute relative to management-employee relations at the University of New Hampshire. To Executive Depts.

HJR 4, naming the David Wayne Hildreth Dam. To Agriculture, Fish & Game

## COMMITTEE REPORTS

**SB 7**

ratifying the compact for education, and making an appropriation therefor. Ought to pass. Sen. English for Education.

Sen. ENGLISH: SB 7 provides for ratifying the compact for education. As a result of this bill, New Hampshire will be able to join the compact and will pay annual dues of \$8,000. Sen. Bradshaw, sponsor of the bill, may wish to explain the purpose in greater detail, but I would sum up the advantages of joining the compact as working with other states to protect the interest of the states against possible encroachment by the federal government with respect to education. Of course, this would go to Finance, under the rules.

Sen. MASON: Parliamentary inquiry. It was established quite early in this Special Session that a two thirds vote was necessary to bring in a bill that had been indefinitely postponed. What is the status of a bill that had the Governor's veto?

The CHAIR: It is the feeling of the CHAIR that the two-thirds vote is not necessary where this passed both branches of the Legislature in regular session.

The bill was referred to Finance.

**SB 14**

permitting a school district to provide child benefit services to pupils in public and non public schools; providing for State grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for State guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of non public schools; increasing the State guarantee of building costs to co-operative school districts; establishing the office of non public school coordination in the Dept. of Education; and making appropriations for all the above. Ought to pass. Sen. English for Education.

Sen. ENGLISH: SB 14 is briefly referred to as the parochial school bill or the non public school bill. It provides assistance to towns made necessary by the closing or threat of closing of the parochial schools. The legal problems in connection with assisting in this matter were taken up with the Supreme Court and based upon their rulings, SB 14 was drafted. The bill was supported by the Governor and was overwhelmingly approved at a public hearing which was attended by approximately 100 persons. The opposition to the bill revolved around a philosophy that State funds should not be used to subsidize religious schools. Some of the proponents appeared to answer effectively this question by saying it was the responsibility of the State to provide for the education of its children. The bill is not a subsidy. Two amendments were offered by the State Dept. of Education. They are not part of this Committee Report as it was felt that these amendments could better be offered when this bill goes to the Finance Committee under the rules.

Sen. PORTER: I move SB 14 be recommitted. I have studied SB 14 as well as the report from the non-public school study commission. First, I feel that such proposed support conflicts with article 83 of the N. H. Constitution prohibiting money raised by taxation for use of schools of any religious sect. I recognize and agree with certain elements of the study commission; however, I feel their report did not yield sufficient data on which to base the action proposed by SB 14. The study commission was faced with a tremendous assignment and I



feel they should be given additional time to complete the job. The report deals in generalities, lacks explicit detail; it does not even treat one aspect called for in the original bill, namely item 6, the transfer of non-public property to the school district. I find many aspects of non-public school support which need further definition before embarking on a new program. My interpretation of the last sentence on page 9 makes me wonder *why SB 14* was introduced. The last sentence on page 9 of the non-public school study commission report, dated 20 January 1970 reads "the commission does not believe that our non-public schools can be saved if the education of their pupils is provided and financed largely by public authorities."

New Hampshire funded only 30% of the foundation aid required in the 68-69 school year. Full implementation of this program should be our prime goal. The additional \$1.5M proposed under Senate Bill 14 would raise this aid to 40% at least. The property taxes have risen in all cities and towns whether or not they enjoyed any tax *relief* from significant non-public school enrollment. Indeed, funding of our educational system is a problem.

Let us be in possession of *all* the facts. Let us not perpetrate what could be a cruel hoax.

Sen. SPANOS: I rise in opposition to the pending motion.

I take issue at the remarks of the Senator from the 12th District in insinuating that this legislation could be a "cruel hoax."

The Non-Public School Study Commission, which was born in this Chamber, worked long and hard to resolve this very critical problem which challenges all of us. It did so with sincerity and with understanding. I don't feel that this legislation can be a "hoax" under any circumstance. The effort was genuine, diligent and the result of this study was very realistic.

As to the constitutionality argument raised by Sen. Porter, this legislation was drafted within the guidelines which the Supreme Court outlined when it rendered its advisory opinions to the questions posed it by the Senate in the last full session. We even took the exact words from the Supreme Court decision in writing part of this bill. We do not believe it will run afoul our State Constitution as feared.

The Commission which studied this problem knows well that this measure is not a *cure-all*. That is why we stated in our report that the problem before us is one that cannot be resolved only through use of public funds and that the non-public schools themselves must continue to look within themselves to do all that they can to sustain their school systems.

What this legislation does do however is to recognize two important vital concerns. One, the desirability of maintaining a *dual system* of education and second, it will provide for an *orderly integration* of the non-public school population into the public school system without financial and educational chaos resulting to our State, Towns and Cities — at least as it relates to the less noble non-public school systems.

I sincerely hope this body will defeat the motion before you, to recommit. I see no reason for further study of this issue. We feel we have done the job.

Sen. KOROMILAS: Does this also include Cities as well as Towns, or is it limited to school districts as such?

Sen. SPANOS: It is limited to the school districts. That could very well mean Towns and Cities that make up a district. I am sure that in my area we have the city of Claremont which is a part of a school district. It does help the Towns and Cities that are involved.

Sen. LAMONTAGNE: I rise in opposition to the pending motion. I personally feel that a lot of compliment should be given to the Study Commission that came in with this report. I would ask that we support the Committee's report. There is no need of referring this bill back to Committee. This Committee has done a good job and I think we have more important things to consider.

Sen. JACOBSON: As to the question of constitutionality, the Commission, I believe, exercised all the care that was possible to make this bill a constitutional bill. I want it understood that there is no money going either directly or indirectly to any non-public schools. The dual enrollment plan which is presently on the books is designated in such a way that it can take place even without this bill except that this bill provides financial support for a period not to exceed two years where there is a non-public crisis and where dual enrollment would make it possible to alleviate the crisis situation as was experienced in

Greenville some time ago. I believe a special crisis bill had to come in at that time to give financial relief to the town of Greenville. The Commission has worked long and hard in a period almost numbering a year to date. We have had endless meetings and discussions and the thrust of this bill is to incorporate from the six recommendations that follow at the end. I believe that any further study will accomplish nothing more. I urge that the Senate defeat the motion.

Sen. LEONARD: I rise in opposition to the motion. I think the Commission studied this problem. We discussed it at the last regular session. Testimony at the Commission showed that at first there was opposition, but later, they had respect for it. There are 25,000 parochial students in the State of New Hampshire. There was a discussion of theories, which I will not go into today. I think this whole problem has been well thought out. I think this is the only answer. The property owner is already overloaded with taxes.

(Discussion)

Sen. CHANDLER: I move the previous question.

Adopted.

Question on motion of Sen. PORTER to recommit the bill.

Motion was lost.

The bill was referred to Finance.

### SUSPENSION OF RULES 3 COMMITTEE REPORTS

#### SB 2

creating the office of director of the budget. Ought to pass with amendment. Sen. Gilman for Finance.

Amend the title by inserting at the end thereof (and making an appropriation therefor.) so that said title as amended shall read as follows:

#### AN ACT

creating the office of director of the budget  
and making an appropriation therefor.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following new sections:

5 Appropriation. There is hereby appropriated the sum of twenty-nine thousand dollars for fiscal year 1971 for personal services, equipment and any other expenses in the office of director of the budget. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1970.

Sen. GILMAN: The amendment changes the title and also calls for \$29,000 for this particular office. At the Joint hearing held with members of the House, there was wide support for Director of the Budget. The comptroller, Mr. Flanders, said that the burden is very formidable. I was the sponsor of this bill and I believe that the expenditure of the funds should be under the Director of the Budget in the Governor's office. We feel that this is a vital piece of legislation in connection with the personal staff in the Governor's office. We have made the effective date as of July 1, 1970.

(Discussion)

Amendment adopted.

Ordered to third reading.

### SB 3

relative to the Governor's staff and employment of a counsel. Ought to pass with amendment. Sen. Gilman for Finance.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### An Act

relative to the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Staff. Amend RSA 4:12 by striking out said section and inserting in place thereof the following: 4:12 Governor's Staff. The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the gov-

ernor may require of them. He shall fix their compensation within the limits of the appropriation made therefor.

2 Appropriation. There is hereby appropriated the sum of five thousand dollars for the expenses of the legal counsel for the fiscal year ending July 1, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Repeal: RSA 4:13 relative to gubernatorial secretaries and clerical assistants is hereby repealed.

4 Effective Date. This act shall take effect July 1, 1970.

Sen. GILMAN: Sen. Jacobson gave us earlier testimony. There were no funds as the bill was originally drawn. However, we did feel that some expenditures would be required. So we amended the bill to \$5,000. Effective July 1, 1970. Sen. Koromilas sponsored the bill and we have discussed this matter with him.

Amendment adopted.

Sen. Koromilas offered the following amendment:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Staff. Amend RSA 4:12 by striking out the same and inserting in place thereof the following: 4:12 Governor's Staff. The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. He shall fix their compensation within the limits of the appropriation made therefor, provided however that the annual compensation of the legal counsel shall not exceed nineteen thousand thirty-two dollars.

Sen. KOROMILAS: This is a bill that I did introduce and it does enhance the power of the Governor. It gives him legal counsel which I feel he needs. I believe the legal counsel should not in any way shade the Attorney General. I believe the legal counsel for the Governor should be limited to an amount certain, in order to keep the Attorney General the prime legal

officer of the State. We feel it is a good practice to keep the Attorney General as the number 1 legal officer of the State. This will provide that the Governor's legal counsel should not have a salary above the Attorney General.

Amendment adopted.

Ordered to third reading.

## SB 9

relative to the Pierce Brigade, Inc. Ought to pass with amendment. Sen. Gilman for Finance.

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Historical Commission. The chairman of the state historical commission shall act as an advisor to the Pierce Brigade, Inc. Said chairman shall see to it that the sum hereby appropriated is employed only for the purposes set forth in section 1 and shall take whatever action is necessary for the state to succeed to the property of the Pierce Manse in the event that the property is used for purposes other than those set forth in section 1. The chairman shall annually make a report to the governor and council concerning the provisions of this act.

3 Federal Funds. The commissioner of resources and economic development shall apply for federal financial aid available for the purposes set forth in section 1. Any federal funds recovered shall first be applied to reimburse the state up to the amount appropriated in section 1 and shall second be transferred to the Pierce Brigade, Inc.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. GILMAN: The Committee went into this at some length and while we feel it is a novel manner of financing which was the question that originally was raised with respect to that type of financing, we have amended the bill. It identifies the bill whereby the Chairman of the State Historical Commission shall act as an advisor to the Pierce Brigade, Inc. It provides if federal funds are applied for and received, these funds shall first be applied to reimburse the State up to the amount appropriated in section 1 and shall second be transferred to the Pierce Brigade, Inc. It covers the Committee's position with respect to SB 9.

Sen. GOVE: I want to express my congratulations and thanks to the Finance Committee for the work that they have done on this bill and I support the amendment they have proposed.

Amendment adopted.

Ordered to third reading.

## SUSPENSION OF THE RULES COMMITTEE REPORTS

### SB 21

to clarify the authority of the Water Supply and Pollution Control Commission. Ought to pass. Sen. Porter for Resources, Recreation & Development.

Sen. PORTER: I wish to speak in support of SB 21 which was sponsored by Sen. Bradshaw who acted on behalf of the Water Supply and Pollution Control Commission. The Committee was unanimous in its approval of Ought to pass. The bill clarifies the authority of Water Supply and Pollution Control Commission in areas where a developer puts in a treatment plant for a development, then leaves that location. The plant should become the property of the Town or City and will under SB 21.

Ordered to third reading.

### HB 5

transferring tuberculous patients from the State Sanatorium and establishing the Sanatorium as a home for certain elderly residents of the State Hospital. Ought to pass. Sen. Mitchell for Public Health.

Sen. MITCHELL: I believe the title of the bill is self explanatory. It is very similar to the bill that you passed in the regular session with one exception. That bill carried quite a substantial appropriation. The Governor was forced to veto it as we did not have the money. We have held a joint hearing on this bill and there was no opposition. There is no money involved in this bill.

Ordered to third reading.



## INTRODUCTION OF SJR 1

First, second reading &amp; reference

## SJR 1

establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the State of New Hampshire and recommending legislation to implement the same. (Sens. Gilman, Dist. 4 & Porter, Dist. 12) — To Resources, Recreation & Development

## SPECIAL ORDER FOR 1:01

The CHAIR called for the Special Order.

Being: Committee Report on CA CR 2, Relating to: Establishing a four year term for Governor. Providing that: The Governor shall be elected four years on the non presidential election years; and no person shall serve more than two terms consecutively. Ought to pass with amendment. Sen. Koromilas for Judiciary.

Amend said concurrent resolution by striking out paragraph I and inserting in place thereof the following:

I. Resolved, That Article 42 of Part Second of the Constitution of New Hampshire be amended by inserting in line four after the word "November" the following (except that beginning in 1974 he shall be chosen quadrennially in the month of November) and by inserting in line seven after the word "January" the following (immediately following any vote for governor) and by striking out the words "and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the two persons, having the highest number of votes" and inserting in place thereof the words (and if there is a tie vote between those having the highest number of votes the senate and house of representatives shall, by joint ballot, elect one of the persons whose votes are so tied) so that said article as amended shall read as follows:

[Art.] 42 [Election of Governor; Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualification For Governor.] The governor shall be chosen biennially in the month of November; except that beginning in 1974 he shall be chosen



quadrennially in the month of November, and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday of January immediately following any vote for governor to be by them examined, and in case of an election by a plurality of votes through the state, the choice shall be by them declared and published. And the qualifications of electors of the governor shall be the same as those for senators; and if there is a tie vote between those having the highest number of votes the senate and house of representatives shall, by joint ballot, elect one of the persons whose votes are so tied, who shall be declared governor. And no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years.

Further amend said resolution by striking out paragraph IV and inserting in place thereof the following:

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the General Court:

Are you in favor of amending the constitution to provide for a four year term for governor, the first of which terms shall commence in 1975, and that the governor shall be elected in November of the nonpresidential election years, starting with the election of 1974?

Sen. KOROMILAS: At the last session of the Senate, we had a problem with respect to some language change in the amendment itself. Now, the Chairman and other members of the Judiciary Committee have done some research on this particular bill with respect to what the amendment said. We had the benefit of going to the Supreme Court and looking over the records. Also, discussion with Attorney Arthur Marx, and Mr. Cann, an attorney in the Attorney General's office. They seemed to feel that the new words "in case of a tie" is what the situation is at the present time. Prior to 1912, the word in the Constitution was a "majority." In 1912, the word "majority" was taken out and placed in lieu thereof was "plurality." I

think what happened to our friends in 1912 when they changed the word "majority" to "plurality" they did not consider what effect this would have on the reading. At that time, where there was no majority, it always went into the House and Senate in Joint Convention for them to name the person. By changing, in 1912, now under the present Constitution, it says "plurality." The words have no meaning, unless you say "tie." Therefore, we feel that what it should say, in the event of a tie, the Senate and House shall decide. Also, the question as to what would happen if a Governor elected under our present Constitution — if there were two people running, A and B and A was the Governor-elect and he died before he was sworn in — who would sit in that particular situation, would it go to the House and Senate. The opinion of the Attorney General and Mr. Hemke was that it would not. The President of the Senate would become the Governor. That is under Article 49 of our present Constitution. (reads) The President of the Senate shall have the exercise of all the power and authority that the Governor is vested with. There is no problem here because we have Article 49 of the Constitution. Also, your Committee took into account another problem that was not raised at the last meeting of this body. What would happen if a Governor were elected and he died during the first two years of his four year term. We discussed this in Committee, but there was not enough interest in changing the bill itself. There was no strong feeling on the part of your Committee and that has not been changed in any way. If the Governor were to die in the first two years, the President of the Senate would sit for the balance of the term.

Sen. JACOBSON: Has there been a case in the history of the State of New Hampshire in which the Governor has died or declined to accept the office?

Sen. KOROMILAS: Not to my knowledge. Unless the Senator from the 7th District has found one.

Sen. JACOBSON: Is it not true that in the Constitution of New Hampshire, the provisions for State Senator, Governor and Councilor are identical?

Sen. KOROMILAS: Yes. Article 49 was discussed and it was felt that the language in Article 49 was so broad that it would solve the problem that you are raising.

(Discussion)

Sen. JACOBSON: Parliamentary inquiry. The question is not to be divided?

The CHAIR: That is correct.

Sen. JACOBSON: I oppose this amendment because I think there is the prospect of putting the election of a Governor in jeopardy. When the Constitution was organized, the offices of State Senator, Executive Councilor and Governor had exactly the same provisions and they do right now. So I would make a presumption that the procedure that would be followed in the case of a Governor who died before his inaugural, or declined to serve, would apply in the same way that it would be applicable to State Senators. There are a number of cases where State Senators declined to serve or died before their inauguration. I will give you two illustrations — one of each. In 1828, the Honorable James Poole, who had been elected to State Senate District 11 died before he had the opportunity to take his seat. There were 12 Senators in those days. The Senate met and discovered that he was dead. Mr. Poole had a majority. There were 3 nominees in that election. Mr. Poole had 2033 votes, Mr. Minot had 722 votes and Mr. Burns had 1 vote. So when they met in Convention, they reported this and the Chairman of the Convention announced that Minot and Burns had the highest number of votes. An election was held and Mr. Minot was elected. In 1830, in District No. 1, Levi Woodbury won the election and he refused to serve. This again threw it to the next two highest. Mr. Borden with 984 votes and Mr. Mason with 2 votes. They were the two candidates having the highest votes. My point is that this was the procedure which was used. It is identical with the Constitution regarding the Governor and Councilor and in 1912, only one word was changed in all three of these areas and that was to change from "majority" to "plurality" and the respect was not at all with respect to a tie. That was never mentioned in the Con Con of 1912. The reason was to alleviate where we had 5 bodies on the ballot. In almost every election, it had to come to the Senate because nobody could get a majority. . . .

Sen. CHANDLER: We have under consideration at this time, one amendment in two parts which are really not related and I don't understand how it came in one amendment.

I was not present at the executive session of the Judiciary

Committee when it was decided to report it this way. I had assumed that there would be two amendments. One having to do with plurality and a second one, having to do with limitation of the term. I would think it should be two different amendments. Actually, I believe that I am inclined to agree with Sen. Jacobson on the first one, but I am against removing the limitation for the Governor. I would like to ask how would I vote?

The CHAIR: If you are in favor of the amendment, you will vote for the amendment. If you are not in favor, you will vote against the amendment.

Sen. BRADSHAW: Last Thursday, I became involved in this particular discussion and in talking with two different attorneys, I had the same success that I generally have when I talk with two members of the Bar Association. I had two different opinions. However, I think at this point and time, I will support the Committee's recommendation, probably as much for expediency as anything else. If we start to change any of the wording in Articles 32 or 49, we are going to get into more technicalities. In my opinion, we would be better served by a separate piece of legislation.

Sen. CHANDLER: You are saying that you favor accepting the Committee Report?

Sen. BRADSHAW: Yes.

Sen. BOURQUE: I request a division of the question under Senate Rule 10.

(Recess)

Sen. BOURQUE withdrew his request.

Sen. LEONARD: I studied this situation and checked on similar provisions of CA CRs and it is clear to me that there is a difference of vacancy in the State Senate and Governor. Article 49 clearly states that if there is a vacancy in the Governor's chair, the President of the Senate takes over until the next election. In Section 34, there are two or three instances that are talked about. . . . I see no danger in the Committee's amendment and I think it makes the Constitution more clear.

(Discussion)

Sen. CHANDLER: I move that further consideration be indefinitely postponed. Last Thursday, I arose on the floor and spoke against the Committee Report and moved that the report of the Minority be substituted for that of the Majority and my vote was resoundingly defeated. I do not intend to bore you with a repetition again, today, but I was of the opinion that a 4 year term was not necessary and I am still of the same opinion. I would like to keep it at a 2 year term. Although in 1912, I was only 1 year old so did not know about it before that. I have listened to the diverse opinions here. Regardless of the proposed amendments, whether they are right or wrong, I think the whole concept should be rejected by this body. Therefore, I hope my motion for indefinite postponement will prevail.

Sen. BOURQUE: I am opposed to a four year term for Governor, but plan to vote for CA CR 2 in order to give the people an opportunity to decide this question at the referendum.

The Citizens Task Force has referred to the four year term for Governor as the cornerstone of their reorganization recommendations. If such is the case, I support CA CR 2 in spite of my personal reservations about a four year term for the Governor. I oppose the pending motion.

Sen. MARCOTTE: I rise in support of the motion. I believe that Sen. Chandler has brought out some very good points relative to the four year term for Governor. I don't think we are ready for it. If he is well qualified, he will get elected over and over again. Governor King did exactly that. I think it is only a waste of time. I believe that the House will put it aside as they did in last session.

On motion to indefinitely postpone. Negative prevailed.

Motion lost.

Amendment adopted.

Sen. JACOBSON recorded as voting NO.

Sen. SPANOS: Is the 60% necessary?

The CHAIR: The Chair feels that the amendment may be accepted with the majority vote. The vote on ordered to third reading and final passage will require the three-fifths vote.

Ordered to third reading by Division vote of 17 voting yes and 6 voting no.

Sen. JACOBSON: I move that the Senate amend Senate Rule 8. In my short time in the Senate, I've had one solid principle: to do whatever I can to enhance and maximize the role of each Senator to his or her capability. The introduction of this rule change is directed toward that same end. Essentially the amendment changes the order of procedure in parts six and seven: that is the proposed amendment moves the motion to amend one step up and the motion to indefinitely postpone be lowered one step.

The adoption of this amendment would preserve the positive thrust in procedure as it properly should. Questions have been raised, if this be adopted, of the possibility of an amendment filibuster. I seriously doubt the possibility, and in any event, such a happening would be most uncommon. Furthermore, these are procedures of a high order which would be applicable to either an amendment or to the main motion to cut off any such attempted filibuster.

The proposed amendment conforms to *Jefferson's Manual*, utilized by the National House of Representatives for its rules and practice. Furthermore, this proposed amendment conforms to the legislative manual which this General Court appeals to in questions of procedure, namely Mason's *Manual of Legislative Procedure*. May I quote from Mason's: "The motion to postpone indefinitely takes precedence of nothing except the main motion to which it is applied, and yields to all privileged, incidental, and other subsidiary motions.

It would seem reasonable that our rules ought to conform to those authorities to which we appeal insofar as it may be possible. Again, my concern is a basic one, the increase of opportunity of each senator to fulfill his responsibilities.

Someone has said why do we not wait until the next regular session. My answer is that we have an opportunity in this special session to test this process with respect to its workability. I urge the adoption of the amendment.

Sen. LAMONTAGNE: I rise in opposition to this change and move that the proposal be indefinitely postponed.

Sen. CHANDLER: Parliamentary inquiry. Can a member make a motion after making a statement?

Sen. LAMONTAGNE: I withdraw my motion. I have been here for 8 terms and never have I seen Senate Rule 8 do anything but move along the progress of the session. Rule 8 cuts out a lot of debate and time. Amendment after amendment could be offered. In all the years that I have been here, Rule 8 has worked very well and I am against the motion.

Sen. LEONARD spoke in support of Sen. Jacobson's motion.

Sen. GOVE spoke against the motion.

(Discussion)

Sen. BRADSHAW spoke against the proposed change in the rules.

Sen. MASON spoke in support.

Sen. GILMAN: I would move that this matter be recommitment to the Committee on Rules.

(Discussion)

Sen. GILMAN: Did you have a Committee Report on this?

The CHAIR: The Rules Committee voted to allow this matter to be considered by the Senate.

Sen. GILMAN: No Committee has considered this. The Rules Committee simply allowed its introduction.

Sen. CHANDLER: In the event that it should be voted, would this go back to the Rules Committee — would they bring it back in with a report or not?

The CHAIR: The Rules Committee would have to make a determination there.

Sen. KOROMILAS: I would call the attention of the members of the Senate to Page 3 of the Journal on 25 March 1970. I raised the question: Is it fair to say that the Rules Committee would entertain any Rule change and by voting for this, we are not closing the door. This is just what has happened.

On motion to recommit, Sen. KOROMILAS requested a Division vote.



Sen. KOROMILAS inquired: Does this take a two-thirds vote?

The Chair: No.

Fifteen voted yes, eight voted no. Motion to recommit prevailed.

Sen. Spanos moved the Senate to go into late session.

### LATE SESSION

#### Third reading & final passage of bills & CA CR

CA CR 2, Concurrent Resolution proposing Constitutional Amendment Relating to: Establishing a four year term for Governor. Providing that: The Governor shall be elected every four years on the non presidential election years.

The above CA CR 2 required a three-fifths vote on third reading and final passage. Seventeen voted yes. Six voted No.

Sen. Koromilas moved reconsideration of vote above.

Motion lost.

SB 2, creating the office of director of the budget and making an appropriation therefor.

SB 3, relative to the Governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.

SB 9, relative to the Pierce Brigade, Inc.

SB 21, to clarify the authority of the Water Supply and Pollution Control Commission.

HB 5, transferring tuberculous patients from the State Sanatorium and establishing the Sanatorium as a home for certain elderly residents of the State Hospital.

Sen. Claveau moved adjournment at 3:40 p.m.



*Wednesday**8Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

ALMIGHTY and EVERLASTING GOD, in whom we live and move and have our being, who reignest over all things in Thy Wisdom and Power, we pause to honor Thee and to renew our covenant with Thee and our nation. Grant unto us purity of heart and strength of purpose, so that no selfish passion may hinder us from knowing Thy Will, and no weakness sway us from doing it; that in Thy Light we may truly live without fear, that in Thy Presence we may find "freedom's holy light". Empower us, in the performance of our work, to achieve the common good and to prosper our "Granite State". Amen.

Sen. Townsend led Pledge of Allegiance.

#### HOUSE MESSAGES

##### Concurrence

SB 13, relative to the practice of law by professional associations.

#### INTRODUCTION OF BILLS

##### First, second reading & reference

HB 14, relative to the sale of subdivided land. To Judiciary.

HB 44, legalizing the proceedings at the Town Meeting of March 10, 1970 in the town of Goshen. To Executive Dept.

HB 45, to legalize certain meetings of the Rye Beach Village District. To Executive Depts.

HB 46, to legalize the 1969 Town Meeting in the town of Hampton. To Executive Depts.

HB 47, legalizing the annual Town Meeting of March 10, 1970, in the town of Hudson. To Executive Depts.

HB 48, legalizing the annual Town Meeting of the town of Gilmanton held March 10, 1970. To Executive Depts.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton. To Executive Depts.

## ENROLLED BILLS COMMITTEE REPORT

SB 13, relative to the practice of law by professional associations.

Paul E. Provost, for Committee

Accepted.

## COMMITTEE REPORTS

**HJR 4**

naming the David Wayne Hildreth Dam. Ought to pass with amendment. Sen. Mason for Agriculture, Fish & Game.

Amend the Joint Resolution by inserting at the end thereof the following: Suitable public dedication services shall be held July 4, 1970 by the Warren Old Home Day Committee and a copy of this Resolution shall be transmitted to the family of David Wayne Hildreth, so that said Resolution, as amended, shall read as follows:

The dam designated site number two, on Berry Brook, on the Baker River Soil Conservation Project in the town of Warren, Grafton County is named David Wayne Hildreth Dam and the department of water resources is directed to obtain and affix an appropriate plaque to said dam evidencing the same. Suitable public dedication services shall be held July 4, 1970 by the Warren Old Home Day Committee and a copy of this Resolution shall be transmitted to the family of David Wayne Hildreth.

Sen. MASON: David Wayne Hildreth was a young lad from the town of Warren who volunteered for service in the U. S. Army and was killed in Viet Nam. The people in his community are in favor of this being done. Arrangements are being made for suitable public dedication services to be held July 4, 1970 by the Warren Old Home Day Committee. The amendment is to transmit a copy of this to the family and also to make a public dedication program on July 4th.

Amendment adopted. Ordered to third reading.

**SB 8**

increasing the salary of the Strafford County Attorney. Ought to pass. Sen. Marcotte for Executive Depts.

Sen. JACOBSON: SB 8 is a very simple bill. The intent of this bill is to raise the salary of the Strafford County Attorney from the present \$3,500 to a salary of \$7,500. If you will re-

member in the last regular session, we had other bills in other Counties which did approximately the same thing. There was no opposition at the hearing on this bill. In fact, there was discussion that at the last election they did have a difficult time to get reliable candidates to run for the office. Therefore, it was the unanimous feeling of the Committee that the bill ought to pass.

Sen. KOROMILAS: I support the Committee Report. This bill does bring the County Attorney up to a salary that is commensurate with his responsibility and also the work load. In Strafford County, we had approximately 300 matters come before the County Attorney. At the present time, he gets \$3,500 a year which is way out of line. I feel that \$7,500 does adequately compensate the County Attorney. I feel this is a must legislation.

Sen. MARCOTTE: I am in favor of the bill. I would bring out that these particular situations do arise fairly frequently in these Chambers. However, I do feel that in the House, amendments will be offered to allow the County Delegation to make the price and different changes in the House. Therefore, I will support the bill as it is.

Sen. GILMAN: I would like to be recorded in favor.

Ordered to third reading.

### SUSPENSION OF THE RULES

Sen. Porter moved suspension of the rules to dispense with holding of public hearing, report notice in the Journal, and introduction of Committee Report at the present time.

#### **SJR 1**

establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the state of New Hampshire and recommending legislation to implement the same. Ought to pass. Sen. Porter for Resources, Recreation & Development.

Sen. PORTER: I wish to speak in support of SJR 1, sponsored by Sen. Gilman and myself. SJR 1 establishes a legislative committee composed of Senate and House members to report back to the Legislature next January on their findings. This committee will concern itself with the very important

problem of pollution problems due to spillage of oil, gas and petroleum products in shipments, handling and storage within the territorial waters of New Hampshire and recommend legislation. The committee will also recommend means of financing the enforcement of such legislation.

The Resources, Recreation & Development Committee has met; we recommend SJR 1 as ought to pass.

Ordered to third reading.

Sen. Gove moved suspension to dispense with notice in the Journal and introduction of a Committee Report at the present time.

**SB 11**

providing for special liquor licenses and beverage permits for non profit organizations. Pass with amendment. Sen. Gauthier for Ways & Means.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Sen. GOVE: I will speak on the amendment first. The amendment changes the effective date to take effect upon its passage. The bill itself was introduced last time and passed the Senate. This is a bill to allow non profit organizations to be provided with a temporary license for their gatherings, picnics, etc. for their fund raising activities. It was felt by the Committee that requiring these licenses which cost \$15 each would provide the Liquor Commission with an opportunity to regulate the activities and would give the legal aspect on this. I believe Sen. Spanos might add something to this. It is his bill.

Sen. SPANOS: I rise in favor of the Committee Report as amended. The amendment — we would like to have it take effect immediately because if it is enacted at the present time, it will give these organizations the use of these permits during the summer season. As for the bill — this act provides for special license and permit to be issued to non profit organizations. Under the bill, the Commission is authorized to issue a limited liquor license and beverage permit for the sale of liquor and beer to members and their guests of the group or organization approved by the Commission. The permit would allow the

premises to sell beverages to their members and to their guests on the premises which are approved by the Commission. The premises are to be approved by the Chief of the local Fire Dept., Chief of Police, and Health Dept. No minors would be allowed in the area. The permit is \$15 per day and the license is \$15 per day. This bill was passed in the Senate last session, but it was "bottled" up in the House. The Liquor Commission did appear in favor of the measure and said in part that it provides for the issuing of licenses which we cannot do at the present time. The Commission went on to say that the sponsor of this bill has taken pains to see that there is protection and that by the passage of this bill the privilege is not abused. I did not sponsor this bill for the Liquor Commission, but I do support it as it does bring stature to our legal system.

Sen. ENGLISH: I think this bill has been very adequately explained. I have had a number of people in my District who think it is highly desirable and I agree with them. I am glad to support it.

Sen. GILMAN: I have no opposition to the bill, but I do think as I know of people who have accommodations on which they pay taxes — and they pay for a liquor license yearly much beyond the \$15 fee as outlined in this bill, I think it behooves the Liquor Commission to immediately contact the Attorney General for a reasonable interpretation of the words "non profit" so that the situation I alluded to could not occur. I find no objection to the bill unless there is a close determination of "non profit" in order not to pave the way for abuses.

(Discussion)

Sen. MARCOTTE: I wish to be recorded as wholeheartedly in favor of this bill.

Sen. GOVE: I think the Committee did give serious consideration to the thought of reducing these license fees. It was felt however, that with these safeguards and the proper inspection that goes with the issuing of these licensing, the cost of sending liquor inspectors to these events would be such that possibly a \$30 fee for both would not be unreasonable. This is a matter of choice. The Committee in its judgment felt that the \$15 fee was the proper one and if hardship were shown and proven, later a reduction might well pass the Legislature.

Sen. KOROMILAS: I wish to speak in favor of the bill. What has been happening in my area, they usually go to a local Club and borrow the license for a day. They use that license at the picnic grounds. Of course, the Club has to close for that day. The going rate is about \$50 a day, so I feel that the \$30 amount is fair and reasonable.

Sen. CHANDLER: You mean that it is possible to borrow somebody else's license for a day?

Sen. KOROMILAS: Yes.

Sen Gauthier moved the previous question. Adopted.

Amendment adopted. Ordered to third reading.

Sen. Gove moved suspension to allow Committee Report.

### **SB 18**

authorizing the State Treasurer to use a facsimile of his signature when executing a State guarantee of bonds or notes issued by a political subdivision of the State. Ought to pass. Sen. Gauthier for Ways & Means.

Sen. GOVE: I think this bill is practically self explanatory. The State Treasurer appeared and described some of the time consumed in his having to sign bonds, etc. The safeguards are there and other states do this. Instead of signing individual bonds a facsimile of his signature can be put on all of these bonds as printed and much time can be saved.

Ordered to third reading.

### **INTRODUCTION OF SENATE BILL**

First, second reading & reference

SB 38 providing for the regulation of community antenna television systems (Lamontagne of Dist. 1 — To Judiciary)

Sen. Armstrong moved suspension to allow Committee Report.

### **SB 24**

appropriating additional funds for a data processing building and providing for additional personnel for data processing. Ought to pass with amendment. Sen. Armstrong for Public Works & Transportation.

Amend the bill by striking out the title and substituting the following:

AN ACT

reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Data Processing Building. Amend 1969, 505:1, V by striking out said paragraph including the footnote and inserting in place thereof the following:

V. Central automated data processing:

(a) For design services for a data processing building on state owned land on Concord Heights. 30,000

Amend the title of said bill by striking out the same and inserting in place thereof the following:

2 Bond Issue. Amend 1969, 505:8 by striking out the words "twenty million, two hundred fifty-eight thousand, eight hundred eight dollars" and inserting in place thereof the words (nineteen million, seven hundred ninety-three thousand, eight hundred eight dollars) so that said section as amended shall read as follows: 505:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3, and 4 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of nineteen million, seven hundred ninety-three thousand, eight hundred eight dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Appropriation for Lease. The sum of one hundred eighty thousand dollars is hereby appropriated to be expended by the department of administration and control for salaries and current expense for the lease of approximately thirty thousand square feet of office space from NH-Vt Blue Cross and Blue Shield, in Concord, New Hampshire, for state agencies as follows:



## Additional office space:

## Personnel services

Permanent	\$ 31,500
Other	2,300
Current expense	106,200
Moving and renovations	40,000

---

Total appropriation \$180,000

This appropriation shall not lapse until June 30, 1971. Any department or agency which is assigned space in the new quarters shall be liable for the payment of rental charges for the space so utilized if funds are available in departmental appropriations. The department of administration and control may assess a fair and equitable charge for the space assigned and all rents received shall be credited to the unrestricted general fund. Funds hereby appropriated shall be available for expenditure for all required costs of the operation and maintenance of the leased facility and including the cost of moving the agencies assigned. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Office Space Study Committee. A study committee is authorized to review the needs for additional office space for all state agencies. Said committee shall consider all of the buildings presently owned by the state together with those under consideration for construction in the near future. They shall review the proposed utilization of the old post office in Concord, New Hampshire, and shall investigate quantity, type, and sufficiency of all space presently being leased or rented by state agencies. Said committee shall submit a report with their recommendations to the 1971 legislative session. The committee shall consist of two members of the senate appointed by the president, three members of the house of representatives appointed by the speaker, the comptroller or his representative, and the commissioner of public works and highways or his representative. The legislative members of the committee shall receive legislative mileage for each day the committee is in session which shall be a charge on the appropriate legislative appropriation.



5 Post Office Renovation Fund. Amend Laws of 1967 chapter 394:1 in the appropriation for administration and control by inserting in the line reading "Post Office 100,000" an asterisk (\*) and by inserting at the end of said paragraph the following (\*) No part of this appropriation shall be transferred, expended or lapsed until further legislation is enacted unless in the opinion of the governor an emergency situation exists.)

6 Post Office Purchase Fund. Amend Laws of 1969 chapter 505:1 in the appropriation for administration and control by inserting in the line reading "For purchase, repairs and renovation of old post office including expenses of moving departments 600,000" an asterisk (\*) and by inserting at the end of said paragraph the following: (\* No part of this appropriation shall be transferred, expended or lapsed until further legislation is enacted except to make payment for the purchase and the costs thereof.

7 Managing Personnel. Amend RSA 8-C (supp) as inserted by 1967, 253:1 by inserting after section 8 the following new section: 8-C:8-a Managers. The director shall employ the following unclassified personnel: A manager of management information systems, a manager of programming and a manager of operations. Each manager shall serve at the pleasure of the director and his salary shall be as provided in RSA 94:1 provided that the director may at any time, establish the salary of each at any step in the range as therein provided.

8 Salaries. Amend RSA 94:1 (supp) and 94:1-a (supp) both as amended, by inserting each in proper alphabetical order the following: Manager of management information systems, data processing 14,900 18,900; manager of programming, data processing 14,900 18,900; manager of operations, data processing 14,900 18,900.

9 Effective Date. This act shall take effect upon its passage.

Sen. ARMSTRONG: The sponsor of this bill appeared before our Committee and he said "we don't need this money." It shocked us. I would yield to Sen. Bradshaw.

Sen. BRADSHAW: This bill asked to have the capital authorized for a new Data Processing building increased from

\$495,000 to \$845,000. I appeared at the Public Works hearing on this and offered an amendment which we proposed that would eliminate \$465,000 of the original capital expenditure. However, there is a much similar amount required for the program out of the general fund and for this reason, it should go to Senate Finance. Rather than take the time to explain all of the details at this time, I would think when it comes out of Finance, I would go into further detail.

Sen. KOROMILAS: How does this bill differ from the one that was here last year?

Sen. BRADSHAW: I think that you are referring to HB 573 — this has no relationship to it. SB 24 deals with the building for Data Processing. The bill that you are referring to referred to the authority of the commission.

Sen. KOROMILAS: What is the building for?

Sen. BRADSHAW: The 1969 session authorized a capital expenditure of \$495,000 to construct a facility for housing the personnel and equipment for the centralized Data Processing Commission. It was said that this should be erected on State-owned land on Concord Heights. The Data Processing Commission started to carry out the directive of the Legislature and through the Public Works Dept. an architect was engaged. He drew up plans. Then people from the Public Works came in and said it was absolutely impossible even after stripping out all the frills to put up a facility that met with the intent of the Legislature for the amount of money that was authorized. So the Commission went into the next step; to have the architect go ahead with his plans so that a figure could be determined that would be required to put up a proper structure. This figure came back as an absolutely bare minimum \$845,000 and if this facility is built at the location specified in the law, at the 1973 session, it will be absolutely necessary to increase the size of the building. So the Data Processing Commission reviewed this and decided that we had to go through with the legislative intent. Consequently, SB 24 came about. However, it came to our attention that the old Blue Cross-Blue Shield building was available and the Comptroller had been able to negotiate, and I would say that this is not legal negotiation, but just conversation. At this time, he really has no authority to really negotiate. But, he has a verbal statement from Blue Cross-Blue Shield in amount and for duration of time to rent the building. That

building does have the facilities to satisfy with minor modifications the Data Processing equipment and it was felt by many people involved in this that it made much more economic sense for the State to rent the Blue Cross-Blue Shield building which would house not only the Data Processing Commission, but such vehicles as Education, Water Pollution and such other agencies that do require space. At the present time, the State is paying to private land owners frequently in excess of \$4 per square foot and they are having a difficult time getting space. The rent on the Blue Cross-Blue Shield building is less than \$3 per square foot and there is actually money enough out of these rents to pay Blue Cross-Blue Shield. For this reason, and for the reason that we think that a good, cold, hard look should be made at future State buildings. The amendment also proposes to set up a Committee to study this and come in with a passable report instead of all this hodge-podge that we are working with now.

(Discussion)

Sen. GOVE: In view of your experience and investigation, do you see some merit at some time for a Capital City Area Planning Commission?

Sen. BRADSHAW: As you well know, I was a staunch supporter of that concept in the 1969 session. I still feel that it is a correct concept. Otherwise, we are going to have all this fragmentation with seemingly no rhyme nor reason. The Committee that we proposed to establish under the amended version of SB 24, while it does not call for a Capital Planning Committee, it does provide for a study group, consisting of 2 Senators, 3 Representatives, the Comptroller, or his representative, the Commissioner of Public Works, or his representative. They will be directed to study the State's plans and location of new facilities. While it is worded differently, I think it is aimed in the same direction.

Amendment adopted.

Referred to Finance, by the Chair.

Sen. Spanos moved the Senate go into the late session.

#### LATE SESSION

Third reading & final passage of Bills & JRs

HJR 4, naming the David Wayne Hildreth Dam.

SB 8, increasing the salary of the Strafford County Attorney.

SJR 1, establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the State of New Hampshire and recommending legislation to implement the same.

SB 11, providing for special liquor licenses and beverage permits for non profit organizations.

Sen. Spanos moved reconsideration of vote on above bill. Motion lost.

SB 18, authorizing the State Treasurer to use a facsimile of his signature when executing a State guarantee of bonds or notes issued by a political subdivision of the State.

Sen. BOURQUE: Under personal privilege, I would like to compliment Governor Peterson on what I consider his energetic and sincere effort to induce the Boston Patriots football team to come to New Hampshire. While he failed in this endeavor, I think that we in the State know and take pride in the fact that the Patriots gave New Hampshire such serious consideration.

Sen. GILMAN: I would like to join with Sen. Bourque in the compliments to the Chief Executive in the work that was done to show the Patriots that we could provide a reliable plan for a stadium and I have some crystal knowledge in that some of the Patriots stockholders, are friends of mine, and I agree that they are in a minority position, but the position they took, and the action of the Patriot's management and the Board of Directors was one of high compliment to the Governor and the Attorney General for the soundness of the plan, the speed with which it was developed, and the whole approach of the State of New Hampshire with respect to trying to attract this stadium to our State. I know for a fact that had it not gone to Foxboro, we were that close, we were within a few votes of having it located in Salem. I think it would be a healthy feature for the State, and I think the Chief Executive and the Attorney General deserve compliments for their efforts in behalf of this venture.

Sen. Provost moved adjournment at 2:15 p.m.

*Thursday**9Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

ALMIGHTY GOD, our Heavenly FATHER, we would make way for Thee in our own lives that we may make our own way with Thee in Thy world. May grateful memories of Thy constant goodness give us continual confidence in facing the future. Make us equal to our high trusts, reverent in the use of freedom, just in the exercise of power, generous in our protection of the weak, and merciful to others as you have shown mercy to us. Guide us in all righteousness, that in our example we may lead others in the way of responsible citizenship. Watch over us while we are absent from one another — In Jesus' Name we pray. Amen.

Sen. Townsend offered Pledge of Allegiance.

#### HOUSE MESSAGES

First, second reading & reference

HB 8, increasing the amount authorized for state guarantee of municipal bonds for water pollution. To Finance.

HB 15, to define jurisdiction over dredge and fill operations in waters and wetlands located in this state. To Resources, Recreation & Development.

HB 16, authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council. To Education.

HB 17, clarifying tax exemptions on real estate and personal property owned by governmental bodies. To Ways & Means.

HB 21, relative to out-of-state tuition charges at the university of New Hampshire. To Finance.

HB 22, relative to the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs. To Judiciary.

HB 25, to remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent. To Finance.

HB 31, relative to the industrial development authority.  
To Finance.

HB 34, to enlarge the authority of the New Hampshire  
Higher Educational Building Corporation. To Finance.

HB 43, increasing the power of the state fire marshal and  
making him directly responsible to the commissioner of safety;  
increasing the membership of the state board of fire control  
and making its functions advisory. Banks, Insurance & Claims.

CA-CR 5, Relating to: Amendment of Proposal to Article  
15, Part Second of the Constitution. To Judiciary.

#### House Concurrence

SB 5, relative to examination and educational requirements  
of physicians.

CA CR 1, Relating to: How often the Legislature shall  
meet. Providing that: The Legislature shall meet annually.

#### REPORT OF ENROLLED BILLS COMMITTEE

CA CR 1, Concurrent Resolution proposing Constitutional  
Amendments Relating To: How Often the Legislature Shall  
Meet. Providing That: The Legislature Shall Meet Annually.

SB 5, An Act relative to examination and educational re-  
quirements of physicians.

HB 5, An act transferring tuberculous patients from the  
state sanatorium and establishing the sanatorium as a home  
for certain elderly residents of the state hospital.

Paul E. Provost  
for the Committee

Accepted.

#### COMMITTEE REPORTS

##### SB 12

relative to retirement credits for Teresa B. Demarais. Pass  
with amendment. Sen. Gauthier for Ways & Means.

Amend the title of said bill by striking out the same  
and inserting in place thereof the following:

AN ACT  
relative to retirement credits for Teresa B. Demarais  
and Paul Hartigan.

Amend the bill by striking out the same and inserting in place thereof the following:

Whereas, Teresa B. Demarais had been a member of the state employees retirement system and had been allowed prior service credit and

Whereas, she left the employ of the city of Portsmouth and had withdrawn her contributions in 1954 but then returned to employment by the city of Portsmouth in 1956 and joined the state retirement system in 1961 and

Whereas, Paul Hartigan, a member of the policemen's retirement system, left state service in 1961, but returned to state service in 1965 and again joined the police retirement system, now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Retirement Credit. Notwithstanding any provisions of RSA 100 Teresa B. Demarais shall be entitled to receive retirement credit for all prior service in the employ of the city of Portsmouth provided she elects to make all payments to the state employees retirement system which she would have been required to make had she not withdrawn as a member of said system and had she joined the system in 1956 and provided the city of Portsmouth makes the necessary contributions to cover said periods.

2 Repeal. The provisions of 1969, 615:2, relative to the said Teresa B. Demarais, are hereby repealed.

3 Retirement Credits. Notwithstanding any provisions of RSA 104 Paul Hartigan shall be entitled to receive retirement credit for his prior service for the state from January 3, 1955, to October 27, 1961, provided he elects to make all payments to the policemen's retirement system which he would have been required to make had he not withdrawn from said system.

4 Effective Date. This act shall take effect upon its passage.



Sen. FOLEY: This bill was presented to the Senate during the last session and passed unanimously. Unfortunately, there was a technical error in the bill and she could not be honored. This amendment adds the name of Paul Hartigan. It serves the same purpose for Mr. Hartigan as for Teresa Demarais — they both wish to re-enter the Retirement System. There was no opposition this time (or at the last session.)

Sen. FERDINANDO: The Ways & Means Committee felt that this bill ought to pass as amendment.

Amendment adopted. Ordered to third reading.

### UNDER SUSPENSION Committee Report

#### SB 1

creating four deputies to the Governor and making an appropriation therefor. Inexpedient to legislate. Sen. Marcotte for Majority of Executive Depts. Ought to pass. — Sen. Porter for Minority of Executive Depts.

Sen. JACOBSON: This bill creates four deputies to the Governor who will have as their principal function Administration over Fiscal Affairs, Administration, Human Concerns and Natural Resources. There was testimony for and against the bill at the joint hearing. The consideration of the Majority of the Committee is that this would in fact create certain serious problems with regard to the present administrative heads and the deputies that would follow if this bill were to be enacted. The majority of the Committee also considered that the Senate has passed a bill creating a Budget Director and that the real critical need for staff relationships with the Governor was in this area principally, and there was a feeling that if this bill (that is, the Director of the Budget bill) should finally passed and become law, it should have an opportunity to work. Furthermore, the Senate has also passed a bill increasing the staff of the Governor. With these two bills and with these two prospects for enlarged staffs, the majority of the Committee felt that this was not the proper time to add further to the staff until it has had an opportunity to see how it functions under the two previously passed bills.

Sen. PORTER: I move that the report of the Minority, ought to pass, be substituted for that of the Majority, Inexpedi-



ent to legislate. This bill provides for 4 deputies for the Governor and will provide the means of a better and effective policy and will prove for a more efficient operation and will result in long time savings.

Sen. BRADSHAW: I rise in support of the pending motion. The State of New Hampshire at the present time spends annually approximately 190 million dollars. I believe the budget for last session was something like 387 million dollars. I think that we are at the point and time where we should give very serious consideration to effectiveness of our governmental system. It is inconceivable that any business that deals with 200 million dollars a year would try to operate with a President but no Vice President. SB 1 attempts to create four deputies for the various positions expressed by Sen. Jacobson. At the present time, the Governor receives information directly from 93 different division department agency heads. It is physically impossible for any Governor to undertake such a task with any degree of effectiveness or efficiency. The situation that we see operating at the present time is that the Governor has to react to crises because that is to whom it comes for his attention. Whereas, if the deputies were in their proposed positions, they would be in touch with the Dept. heads, etc. so that these crises would not. I think out of respect to the taxpayers of the State of New Hampshire that there should be someone looking after various Departments. Frequently, the Dept. heads get into loggerheads over things. The deputies would have only that authority which is delegated to them by the Governor. The Governor is still in the final analysis, the Chief Executive and the one who ultimately has to make the final decision. I think this is a very important step, and would urge my colleagues to support Sen. Porter.

Sen. TOWNSEND spoke in support: As you may know, this is probably the second important recommendation that the Task Force made. They did not make it lightly. They made it after extensive testimony of many substantial people, former Governors, etc. I feel very strongly that what this bill calls for has been covered by Sen. Bradshaw. Anything that I might add, would be more or less repetition. I can only say that the Task Force again felt very strongly that this is a very important bill and I urge your support of the motion.

Sen. GOVE: If this did pass, would it go to Finance?

Sen. TOWNSEND: I would expect so. Yes.

Sen. ENGLISH: I support the motion to substitute. It deals with the problems all of us have had. We realize that the Dept. heads in many cases are unable to get to the Governor and in certain policy decisions must make their own rules. I am sympathetic with the position of the Dept. heads and I think they too would welcome an opportunity to approach the Governor through one of his deputies. It would also enable the Governor, through his deputy, to communicate matters of secondary importance which with his busy day he might not be able to do directly himself.

Sen. LEONARD inquired of Sen. Bradshaw: Were you at the public hearing?

Sen. BRADSHAW: Not for all of it.

Sen. LEONARD: Did the Governor, or his representative, give testimony?

Sen. JACOBSON: Yes. They did.

Sen. LEONARD: What did they have to say about the need?

Sen. JACOBSON: What Sen. Bradshaw has said. That they need these four deputies in order to bring about a more business-like approach to government. These people would serve directly under the Governor. There are 93 Depts. and Boards that report to the Governor. I think Sen. Bradshaw has covered the essential features of the testimony, pro.

Sen. KOROMILAS: I have examined SB 1 and I see that it is just a skeleton of a bill and it talks about setting up four deputies and four categories. It does not set up any qualifications other than that of being a U.S. citizen. Very little guidelines as to what they can do.

Sen. JACOBSON: This was done that way for policy reasons. They shall be appointed by the Governor and approved by the Council. Therefore, they will be the Governor's matter.

Sen. GOVE: I rise in support of the pending motion and am very pleased that Sen. Koromilas has asked the questions that he just did. It seemed to me that the testimony against this bill was because of means. I think this was brought out that there

was a purpose for this — the purpose was to allow the Governor to use his own discretion. I think there are ramifications of this and I think the Finance Committee can give this expertise consideration.

Sen. GILMAN: I rise in support of the Committee's position and against the motion to substitute. I subscribe to a larger staff for the Governor. However, I think that the appointment of four deputies takes away from the Governor. We diffuse the authority of the Governor. I agree with the position of Councilor Hayes that to have these four deputies is unwise. I would support additional staff, particularly in the area of Budget Director. Under previous bills, we have provided that he should have a staff organization that could handle those administrative responsibilities. Under these circumstances, I do not believe that we should accept the idea that the four deputies are necessary.

(Discussion)

Sen. CHANDLER: The last reorganization of State government was under Governor Wesley Powell. Certain Depts. Recreation, Forestry, Public Health & Welfare were combined and the two Depts. heads maintained the job and there was one put above him which created somewhat of a top heavy bureaucracy and it did not work out as well as it was thought it would. Now, here before us we have a device that would further isolate the Governor from the Depts. This would be like a head on head on head.

(Sen. CHANDLER read in full the statement of Executive Councilor James H. Hayes of Concord as presented before the Joint Committet hearing on this bill).

Sen. CHANDLER: I think that was the best statement that I have heard so far in opposition to the appointment of these four deputy Governors.

(Discussion)

Sen. LEONARD: I have an amendment that I am going to submit at the proper time which cuts the number of deputies from four to two and also deletes the various areas to which the Governor can assign the various deputies. I would ask support for the motion to substitute, and I will then offer the amendment.

(Discussion)

Sen. KOROMILAS spoke against the pending motion: I have examined the bill. It is in skeleton form. I think the bill is a good one, but I think in this form it should not get the support of the Senate.

(Discussion)

Sen. Marcotte moved the previous question. Adopted.

On motion to substitute, Sen. Gove called for a Roll Call.

The following voted in the affirmative: Lamontagne, Gilman, Townsend, Bradshaw, English, Porter, Leonard, Ferdinando, Gove, Gauthier, Bourque, Mason and Claveau.

The following voted in the negative: Armstrong, Mitchell, Gardner, Jacobson, Spanos, Chandler, Provost, Marcotte, Koromilas and Foley.

Thirteen in the affirmative. Ten in the negative. Motion prevailed.

Sen. Leonard offered the following amendment:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

creating two deputies to the governor  
and making an appropriation therefor.

Amend RSA 4:13-c as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

4:13-c Deputies to the Governor. There shall be two deputies to the governor who shall be appointed by the governor with the consent of the council and shall serve at the pleasure of the governor.

Amend RSA 4:13-c as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

4:13-e Duties. The deputies to the governor shall have such duties and responsibilities as the governor shall from time to time assign.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Salary. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 by inserting in the appropriate alphabetical position the following:

Deputies to the governor (2)	\$20,301	\$22,204
------------------------------	----------	----------

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated for fiscal year 1971 the sum of thirty-six thousand thirty-one dollars, to be expended by the governor for the purposes of this act as follows:

Deputies to the governor (2)	\$20,301.
Other personal services	9,790.
Equipment	4,940.
Current expenses	1,000
	<hr/>
	\$36,031

The governor is authorized to draw his warrants for said sum out of any monies in the treasury not otherwise appropriated.

Sen. JACOBSON presiding.

Sen. Leonard explained the amendment in detail.

Sen. GILMAN: The defeat of this would not preclude the bill going to Finance?

The CHAIR: No.

Sen. GILMAN: I am opposed to the amendment because the amendment retains the position of deputies to the Governor and it retains the concept of an additional staff level in the Governor's office. I do support the position expressed by members of the Senate. More funds are necessary. The only way that this can be accomplished, is to send this to Finance where the question can be taken up as to whether more staff is needed.

Sen. SPANOS: I rise in opposition to the amendment. I do so because I don't think there is that difference between the four and the two. I support the view of Councilor Hayes.

Sen. Bradshaw spoke in support of amendment.

On adoption, CHAIR was in doubt and requested a Division.

Twelve voted in the affirmative. Ten voted in the negative.  
Amendment adopted.

The bill was referred to Finance, by the CHAIR.

## SUSPENSION

### Committee Report

#### SB 33

providing for a liquor advisory commission. Inexpedient to legislate. Sen. Jacobson for Executive Depts.

Sen. Gove explained the bill.

Sen. Ferdinando moved the words, Ought to pass, be substituted for Inexpedient to legislate and spoke in support.

Sen. Lamontagne moved SB 33 be indefinitely postponed and spoke in support.

(Discussion)

Sen. Provost moved the previous question. Adopted.

On motion, Sen. Ferdinando requested a Division.

Fifteen voted in the affirmative. Six voted in the negative. Motion prevailed.

The Chair recognized Sen. Lamontagne under personal privilege.

Sen. LAMONTAGNE: I have received a letter from a Charles G. Douglas, III, of the law firm of Perkins, Perkins & Douglas in Concord. I would like to read this letter into the record.

Senator Laurier Lamontagne  
State House  
Concord, New Hampshire

Dear Senator Lamontagne,

As you may not be aware, New Hampshire recognizes a civil action for money damages against anyone who interferes with another's contract, business or prospective business advantage. As attorneys for TEPCO, Inc. of New Hampshire, we can well understand your interest in the proposed municipal

power authority and the future industrial growth of Berlin. However, there is a line between the legitimate public concern of an elected representative and the willful and intentional interference with a corporation's affairs. We wish by this letter to warn you that your activities regarding TEPCO appear to exceed the normal interest that might be expressed by a sincerely interested citizen and public official.

To point out but three examples of what we refer to, on February 28, 1970, you contacted numerous people about a meeting to be held by Commissioner Crowley of the Department of Resources and Economic Development supposedly "for the purpose of meeting with TEPCO . . . and other persons interested about TEPCO." Commissioner Crowley said that the meeting was not to have discussed TEPCO and that he had no idea how you got a contrary notion.

On March 5, 1970, just ten days after Public Service Company of New Hampshire wrote the Atomic Energy Commission's Division of Reactor Licensing, you also wrote that Division and raised the same issue that Public Service had raised with regard to the licensing of the nuclear reactor in Berlin. In fact, both letters enclosed and drew attention to the same paragraph of the same newspaper article.

On January 17, 1970, in the *Manchester Union Leader* you indicated that you had conducted an "investigation" of TEPCO's proposal. On March 30, 1970, in a letter to the Berlin Mayor and Council you again referred to your investigation "based on the facts I compiled" in opposing the proposal.

If you are sincerely interested in the whole project we may be able to remedy the situation. The answer would be for you to agree to meet with representatives from TEPCO, the City Council, the Industrial Development Committee and others interested in the industrial future of Berlin. An "investigation" without hearing the facts from the subject of your "investigation" — TEPCO — will not lead to your ever understanding the project.

We hope you will accept Mr. John Harris' offer of April 6, 1970 to meet with you, and we hope your future conduct will be oriented toward a sincere search for facts regarding TEPCO.

Very truly yours,  
Charles G. Douglas, III

Mr. Douglas says he and his firm are lawyers for TEPCO. TEPCO is a firm which wishes to build a nuclear reactor in Berlin, New Hampshire; if this reactor is built, it will have a most important influence, for good or ill, on the economy, the health and the welfare of the people who live in and around Berlin. Mr. Douglas recognizes that I am a Senator. He even seems to understand that as the Senator from Berlin I have an interest in its municipal power and its industrial growth.

But this lawyer who says he represents TEPCO warns me that my activities appear to exceed a normal interest. I don't think my activities exceed what is normal for members of the Senate, but if they do I'm proud of it.

This lawyer who says he represents TEPCO is threatening me with a lawsuit because what I'm doing will interfere with "another's . . . *prospective* business advantage." Until I'm satisfied there's an advantage to the people of Berlin, I'm going to keep right on investigating.

This lawyer who says he represents TEPCO says that if I'm "sincerely interested" we may be able to "remedy the situation." That's pretty kind of him. I'm willing to hear from TEPCO whenever TEPCO wants to communicate. But I'm not going to be intimidated by threats from anyone.

This lawyer who says he represents TEPCO has set up a test of my sincerity. He seems to think that yielding to threats is the mark of a sincere man. Well around here it isn't.

That letter was a threat to me. A threat to any Senator performing his duties is a threat to this Senate. That threat was an attempt to bully me. It was an attempt to bully this Senate. We're not going to be bullied.

## REPORT OF THE CITIZENS TASK FORCE

"The Task force spent much time in this aspect of its investigation and concludes that there is a serious question about the capabilities of Tepco and its officials to carry out their responsibilities under the contract. As a consequence of this conclusion, the Task Force advised the Mayor on October 1, 1969, on advice of counsel, that no further payments should be made under the contract. This advice went unheeded.

Tepco, Inc. is a New Hampshire corporation formed May 2, 1969 with \$1,000.00 of capital. It is wholly owned by a Maine



corporation of the same name. As far as we are aware, Tepco, as a corporation, has no substantial assets.

Tepco as a company has no substantial number of personnel. It is strictly a group of promoters or middle men. So stated its legal counsel, Mr. Kronos, at a meeting of the Judiciary Committee of the Legislature on June 12, 1969. It does not have the qualifications to establish, construct and operate the facilities they propose. It has never established or operated a municipal electric plant.

Although Tepco has consistently refused to reveal to the Task Force financial data and personnel resumes which are required as an absolute minimum for a proper evaluation of their proposal (and which would be required by banks, State agencies, or other similar groups), the Task Force has been able to ascertain that Tepco has itself no financial resources.

In conclusion, the Task Force believes that there is serious doubt whether Tepco and officials are operating in good faith, whether they have the capabilities to perform their commitments under the contract with the City and whether the City should make further payments under the contract. This conclusion is all the more serious when viewed against the background of expressions by New Hampshire state and municipal officials and Maine state and municipal officials that Tepco has consistently failed to supply basic information about themselves and their project.

Sen. ARMSTRONG: I move that the letter received by Sen. Lamontagne be referred to the Attorney General.

(Discussion)

Sen. Mason spoke in support. Also, Sen. Mitchell.

Sen. SPANOS: I rise in opposition to the pending motion. I think if Sen. Lamontagne feels that there should be a foundation of how the Senate feels about what has been done in this matter, I would be very happy to vote for a motion that the Senate sustaining what he has done. A vote of confidence in his behalf, but to send this letter to the Attorney General, I don't know. I don't see what instructions we are going to give to the Attorney General. It is before this body. It is in the record. I will not offer the motion, but I will vote for any motion to give Sen. Lamontagne a vote of confidence.

(Discussion)

Sen. SPANOS: I offer the following motion that the Senate go on record expressing its full confidence in the manner in which Sen. Lamontagne is representing the people and constituents in his 1st District, as it relates to the TEPCO corporation matter.

Sen. Koromilas spoke in support of motion.

Motion adopted. Sen. Chandler refrained from voting.

## SUSPENSION Committee Reports

### SB 23

increasing the appropriation for the southwestern state park, extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. Ought to pass with amendment. Sen. Armstrong for Public Works.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Additional Appropriation. Amend Laws of 1961, 263:5-a as inserted by 1965, 281:22 and amended by 1967, 394:18 and 1969, 506:2 by striking out said section and inserting in place thereof the following: 263:5-a Additional Appropriations. In addition to the same specified in section 5 the following sums are appropriated for the purposes indicated:

Southwestern state park	\$1,500,000
Cannon mountain project	800,000
Connecticut lakes study	25,000
Rye harbor project	7,000
Shelburne basin project	10,000
Sunapee ski lift	500,000
Ossipee lake	400,000
Planning	250,000

---

Total	\$3,492,000
Less: Federal funds	1,746,000

---

	\$1,746,000
Additional state funds	320,000*

---

\$2,066,000

\*\$170,000 of these funds may be used to develop plans and engineering for a new summit building on Mt. Washington.

The appropriation for each of the above individually specified projects may not be expended unless participating federal funds are available for that specific project, provided that the appropriation for additional state funds in the amount of \$150,000 may be used for any expenses for the above programs for which federal funds are not available.

The individual project appropriations as provided above shall not be transferred or expended for any other purpose; provided however, that the governor and council may transfer any balance remaining after completion of any individual project to other projects within the same section.

The entire balance remaining after the thirty-eight thousand dollars appropriated by section 3 of this act has charged thereto, in the Pawtuckaway reimbursement fund, which was placed in escrow with the state treasurer by the governor and council on December 29, 1969, in the approximate amount of one hundred and forty-six thousand two hundred and sixty-four dollars plus interest is hereby appropriated to be used as part of the state's share of the appropriation herein made for southwestern state park.

The appropriation provided by this section shall be available for expenditure until June 30, 1972.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Bonds or Notes Authorized. Amend Laws of 1961, 263:6 as amended by 1965, 281:23 and 1967, 394:19 by striking out the same and inserting in place thereof the following: 263:6 Bonds or Notes Authorized. For the purpose of providing funds necessary for the appropriations made by sections 5 and 5-a, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow on the credit of the state from time to time, a total of ten million, nine hundred nineteen thou-

sand, seven hundred thirty-six dollars for the purpose of carrying into effect the provisions hereof and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity date of such bonds or notes shall be determined in each case by the governor and council but in no case shall they be later than 1990.

Sen. ARMSTRONG: SB 23 as amended increases the appropriation for the southwestern state park project, makes an appropriation for the Robert Frost Homestead, and makes an appropriation for engineering money for the Mt. Washington Summit Commission. The increases are \$500,000.00 which includes \$250,000.00 of federal matching funds for the southwestern state park, and increases \$170,000.00 in the item "additional state funds", as printed in the bill, which changes that line to \$320,000.00 and the total to \$2,066,000.00 as indicated above. This additional \$170,000.00 is to develop plans and engineering for a new summit building on Mt. Washington so that the Mt. Washington Summit Commission may report back to the next session of the Legislature with exact costs in firm plans. On the southwestern state park purchase, of the 13,000 acres proposed, they have purchased 8,422 acres, or 65%. Of the \$1,000,000.00 authorized, they have spent \$905,037.00 for land and \$15,000.00 for planning for a total of \$920,037.00 or 92%. They have at the present time under condemnation two parcels comprised of 22 acres at an estimated cost of \$1710.00. On 2/16/70, the Governor and Council approved the purchase of a 2-year option (2,500.00) on 1565 acres of land for Pisgah from the Additional State Funds account. The total cost of land to be purchased is \$250,000.00 with the understanding that the cost of the option be deducted at the time of purchase. There remains approximately 4600 acres (including the 1565 acres above) to be purchased at an estimated cost of \$545,000.00. This bill should go to Finance under the rules.

Amendment adopted.

The Chair referred the bill to Finance.

### SB 36

authorizing the issuance of motor vehicle registration plates of whatever duration the Director provides. Ought to pass with amendment. Sen. Armstrong for Public Works.

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Safety Services Appropriation. Amend the appropriation for the division of safety services for the fiscal year ending June 30, 1971, as provided in 1969, 291:3 by inserting before the total appropriation the following line:

Key punch operators (2)	7,650.24
-------------------------	----------

3 Appropriation; Snowmobile Section. In addition to any other funds appropriated for the snowmobile section of the division of motor vehicles there are hereby appropriated the following amounts for the fiscal year ending June 30, 1970:

Personal services (other)	\$4,000
Current expenses	3,000
Travel, in state	500

Total	\$7,500
-------	---------

For the fiscal year ending June 30, 1971.

Personal services (other)	\$4,200
Current expenses	3,000
Travel, in state	500

Total	\$7,700
-------	---------

The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

4 Snowmobile Revenue. Amend the paragraph in 1969, 367:4 relative to snowmobile section by striking out the same and inserting in place thereof the following:

Snowmobile section:

Current expenses	1,600
------------------	-------

Revenue received from the snowmobile section shall be distributed as provided by RSA 269-B:8.

5 Ratification of Transfer of Funds. Notwithstanding the provisions of the footnote to appropriation for snowmobile section in 1969, 367:4 all transfers of fees to the

fish and game department during the period from July 1, 1969 to the time this act takes effect are hereby ratified and confirmed.

6 Transfer of Funds. Amend the paragraph in 1969, 368:4 relative to snowmobile section by striking out the same and inserting in place thereof the following:

Snowmobile section:

Current expenses	1,600
------------------	-------

Revenue received from the snowmobile section shall be distributed as provided by RSA 269-B:8.

7 Appropriation 1970; Initial Motor Vehicle Plates. Amend 1969, 367:4 by striking out the appropriation for initial plate fund in the department of safety, division of motor vehicles and inserting in place thereof the following:

Initial plate fund:

Personal services:

Permanent	\$16,675
-----------	----------

Current expenses	17,500
------------------	--------

Travel:

In state	1,000
----------	-------

Out of state	500
--------------	-----

Equipment	40
-----------	----

Other expenditures:

Oasi, retirement, blue cross and insurance	1,389
--	-------

Drivers assistance*	200,000
---------------------	---------

Local police training school	4,000
------------------------------	-------

---

Total	\$241,104
-------	-----------

Less estimated revenue**	241,104
--------------------------	---------

---

Net appropriation for initial plate fund	0
--	---

\*The commissioners of safety and education to recommend to governor and council a more realistic per-pupil reimbursement of driver training assistance. Not to be transferred or expended for any other purpose.

\*\*Other provisions of law notwithstanding, the balance in the initial plate fund at June 30, 1970, shall not lapse but shall be carried forward to July 1, 1970.

8 Appropriation 1971; Initial Motor Vehicle Plates. Amend 1969, 368:4 by striking out the appropriation for initial plate fund in the department of safety, division of motor vehicles and inserting in place thereof the following:

Initial plate fund:

Personal services:

Permanent	\$17,055
Current expenses	18,000

Travel:

In state	1,000
Out of state	500
Equipment	2,000

Other expenditures:

Oasi, retirement, blue cross and insurance	1,504
Drivers assistance*	200,000
Local police training school	4,000

---

Total	\$244,059
Less estimated revenue and balance**	244,059

---

Net appropriation for initial plate fund

0

\*The commissioners of safety and education to recommend to governor and council a more realistic per-pupil reimbursement of driver training assistance. Not to be transferred or expended for any other purpose.

\*\*Other provisions of law notwithstanding, the balance in the initial plate fund at June 30, 1971, shall not lapse but shall be a carry forward to July 1, 1971.

9 Limitation on Initial Number Plates Removed. Amend RSA 260:10-a as inserted by 1957, 8.1 by striking out in line three the word "passenger" so that said section as amended shall read as follows: 260:10-a Initial Num-

ber Plates. The director is hereby authorized to design and to issue, under such regulations as he shall deem appropriate, initial number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. The number plates herein provided for shall be issued only upon application therefor, and upon payment of a service fee of five dollars, said service fee to be in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle.

10 Assistant to Director of Motor Vehicles. Amend RSA 106-A:8 as amended by 1961, 166:3 by inserting after paragraph II the following new paragraph: III. An assistant to the director of motor vehicles, who shall carry out such duties as may be assigned to him by the director. The annual salary of said assistant shall be that prescribed in RSA 94:1-4.

11 Coordinator of Data Processing and System Management. Amend RSA 106-A by inserting after section 2-b the following new section: 106-A:2-c Coordinator of Data Processing and System Management. The assistant commissioner of safety, with the approval of the commissioner, shall appoint a coordinator of data processing and systems management who shall serve during the pleasure of the commissioner and who shall carry out such duties as may be assigned to him by the assistant commissioner. The annual salary of said coordinator shall be that prescribed in RSA 94:1-4.

12 Salaries 1970. Amend RSA 94:1 (supp), as amended, by inserting in proper alphabetical order the following new lines:

Assistant to director of motor vehicles	11,449	13,227
---	--------	--------

Coordinator of data processing and system management, department of safety	11,449	13,277
---	--------	--------

13 Salaries 1971. Amend RSA 94:1-a (supp), as amended, by inserting in proper alphabetical order the following new lines:



Assistant to director of motor vehicles 12,322 14,226

Coordinator of data processing and system  
management, department of safety 12,322 14,226

#### 14 Appropriation, Commissioner of Safety 1970.

Amend 1969, 367:4 in the appropriation for department of safety, office of commissioner, other personal services by striking out the line "permanent 85,826" and inserting in place thereof the following: (permanent 98,826) and by striking out the line "Total 126,772" and inserting in place thereof the following (Total 139,772).

#### 15 Appropriation, Commissioner of Safety 1971.

Amend 1969, 368:4 in the appropriation for department of safety, office of commissioner, other personal services by striking out the line "permanent 87,835" and inserting in place thereof the following: (permanent 100,835) and by striking out the line "Total 126,495" and inserting in place thereof the following: (Total 139,495).

16 Appropriation, Division of Motor Vehicles. Amend 1969, 367:4 in the appropriation for the department of safety, division of motor vehicles, administration, other personal services by striking out the line "permanent 264,855" and inserting in place thereof the following: (permanent 277,855) and by striking out the line "Total 658,595" and inserting in place thereof the following: (Total 671,595).

#### 17 Appropriation, Division of Motor Vehicles 1971.

Amend 1969, 368:4 in the appropriation for the department of safety, division of motor vehicles, administration, other personal services by striking out the line "permanent 267,654" and inserting in place thereof the following: (permanent 280, 654) and by striking out the line "Total 661,103" and inserting in place thereof the following: (Total 674,103).

#### 18 Appropriation, Division of Safety Services 1971.

Amend 1969, 368:4 in the appropriation for department of safety, division of safety services, other personal services by striking out the line "permanent 177,177" and in-

serting in place thereof the following: (permanent 164, 177), by striking out the line "Total 442,394" and inserting in place thereof the following: (Total 429,394), and by striking out the line "Net appropriation for division of safety services 154,838" and inserting in place thereof the following: (Net appropriation for division of safety services 141,838).

19 Effective Date. This act shall take effect upon its passage.

Sen. ARMSTRONG: SB 36 would authorize the issuance of motor vehicle license plates for whatever number of years the director decides up to but not to exceed five years. It was testified that in order to have an integrated traffic records system on a computer basis, it would be necessary cost wise to allow for three to five year plates. The cost would be excessive, data processing wise, on a one year plate basis. At the present time as you know the driver's licenses are on the computer, the next step is for the registration file to be in the computer. Additional implementations of the computer traffic records program will be the inclusion of inspection records, reportable accidents, court returns, and the title laws so that when a state trooper is chasing a car and he calls in and gives the number, the computer can tell him what type of a person is in that car. If he has a record of alcohol convictions or other convictions. Which means that when the trooper stops the car he will know what to expect rather than in that sad case in California recently where four troopers were killed. Your committee has amended this bill making it mandatory that these multi year registration plates be furnished by 1973. We have further amended the bill at the request of the Commissioner of Safety to transfer funds in the snowmobile plate account and also to provide additional funds for postage expense in the motor vehicle department. This is a bill that should be referred to the Finance Committee.

Amendment adopted.

The Chair referred the bill to Finance.

## SUSPENSION

### Committee Reports

#### SB 34

relative to the salaries of the justices and clerks of the

Manchester district court. Ought to pass with amendment. Sen. Leonard for Judiciary.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act  
relative to the salaries of the justices and clerks of  
Manchester district court and relative to distribution of  
reports of the supreme court and Revised Statutes  
Annotated.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Salaries in Manchester District Court. Amend RSA 502-A:6 (supp) as inserted by 1963, 331:1 and amended by 1965, 138:1 and 294:1; 1967, 193:1 and 438:1; and 1969, 124:3, 4 and 5 by inserting after paragraph IV the following new paragraph:

V. Salaries of the Justices and Clerks of the Manchester District Court. Notwithstanding any other provisions of this chapter to the contrary the annual salaries of the justices and clerks of the Manchester district court shall be as follows:

(a) Justice	\$23,500;
(b) Associate justice	\$23,000;
(c) Special Justice	\$ 5,700;
(d) Clerk	\$11,400;
(e) Deputy clerk	\$10,260.

Further amend said bill by striking out section 3 and inserting in place thereof the following:

3 Distribution of Court Reports. Amend RSA 505:11 by inserting in line three after the word "shall" the words (unless otherwise directed by the chief justice of the superior court) so that said section as amended shall read as follows: 505:11 Distribution of Court Reports. He shall deliver to the secretary of state four hundred copies of each volume of said reports upon publication, and the secretary shall unless otherwise directed by the chief justice of the superior court send one copy thereof to each of the following officers and bodies: Justices and clerks of the supreme and superior courts, to the office of register of probate in

each county, state reporter, each free public library established under the laws of the state meeting the regulations of the state library commission, the department of justice, clerk of the supreme court of the U.S., library of congress at Washington, the judge and clerk of the district court of the U.S. for the district of New Hampshire, and the state library of each state of the United States with which the New Hampshire state library maintains an exchange agreement covering court reports. The residue may be drawn upon by the state library for its own use or for additional exchange agreements. The state library may recover all sets and/or partial sets of court reports located within those towns which do not met the regulations of the state library commission. It may establish full sets in public libraries open daily agreeing to make them available to all the people in the geographic area. The reclaimed sets shall be placed in the stock held by the secretary of state.

4 Distribution of Revised Statutes Annotated. Amend RSA 20:16 (supp) as inserted by 1955, 231:3 by inserting in line three after the word "manner" the words (Unless otherwise directed by the chief justice of the superior court) so that said section as amended shall read as follows: 20:16 Distribution of Revised Statutes Annotated. The secretary of state is hereby authorized to distribute official bound copies of the Revised Statutes Annotated free of charge in the following manner. Unless otherwise directed by the chief justice of the superior court, one copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire Revision Commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, the state reporter, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, any state or territory making a charge to this state for copies of its laws shall in a like manner be re-

quired to pay to the secretary of state the regular price for copies of the Revised Statutes Annotated, the secretary of state, the state treasurer, the comptroller and seven copies to the office of the attorney general.

5 Effective Date. This act shall take effect June 1, 1970.

Sen. BOURQUE: The amendment does two things. This would increase the salary of the justice of the Manchester District Court to \$23,500 and the associate to \$23,000.

Sen. FERDINANDO: I move that this be referred to the Manchester Delegation.

Sen. Bourque spoke in opposition. Also Sen. Spanos.

(Discussion)

Sen. Gove moved further consideration of the matter be laid on the table. Adopted.

## COMMITTEE REPORT

### SB 35

removing a conflict in the issuance of search warrants. Ought to pass. Sen. Leonard for Judiciary.

Sen. KOROMILAS: This bill is truly a housekeeping bill. At the present time, if a warrant is issued by a Judge, the officer to whom it has been issued can take that to the court in Berlin, Lancaster or any place he so desires. This bill requires that he must take it back to the court from which it came and to bring it back in 7 days.

Sen. SPANOS: Who testified in favor of this measure?

Sen. KOROMILAS: The only person testifying on this measure was Rae Laraba, representing the Judicial Council. It has the approval of the Attorney General.

Ordered to third reading.

Sen. BRADSHAW presiding.

## SUSPENSION

## Committee Report

## SB 19

transferring the office of planning and research to the Governor. Ought to pass with amendment. Sen. Jacobson for Executive Depts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Office Transferred. Amend RSA 4 by inserting after section 12-a (supp) the following new sections:

4:12-b Office of State Planning. The office of planning and research of the division of economic development, department of resources and economic development established pursuant to RSA 12-A is hereby transferred together with all of its powers, functions, duties, personnel, records and property to the office of the governor, except the two resources planners presently assigned to the planning office and their attendant powers, functions, duties, records and property. Henceforth, whenever reference is made in the statutes to the office of planning and research, it shall be construed to mean the office of state planning. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified employee in the state service on effective date of this act shall be required to take an examination to remain in his position.

4:12-c Supervision. The office of state planning shall be under the supervision and direction of the governor or his designee.

2 Transfer of Funds. All monies appropriated to the office of planning and research, division of economic development, department of resources and economic development and all monies available to it from any source is hereby transferred to the office of state planning, in the office of the governor, except for those monies appropriated by the budget of said department for the aforementioned positions of two resources planners, this money is hereby

transferred to the office of commissioner, department of resources and economic development.

3 Department of Resources and Economic Development. Amend RSA 12-A:1 (supp) as inserted by 1961, 223:3 by striking out in line five the words "research, planning" so that said section as amended shall read as follows: 12-A:1 Establishment. There shall be a department of resources and economic development under the executive direction of a commissioner of resources and economic development, consisting of a division of resources development, a division of economic development which shall include but not be limited to subdivisions of development and promotion and a division of parks.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. Jacobson explained the amendment.

Sen. GOVE: I am somewhat concerned here. I am disturbed that this amendment in effect rewrites the bill. I read from testimony given by Mary Louise Hancock:

I would like to respond to the proposed amendment of Commissioner Crowley. The planning office, as has been pointed out, is a small office — *a planning director, two assistant planning directors* and *one of the assistant planning directors* is set up for Resources, and Development activities, and under him are the *two* resources planners. We have an extremely integrated staff — all members of all sections are pretty well informed as to the other's activities. I think this has been our strength throughout the years and the reason we could prevail on many occasions. The Outdoor Recreation Plan is a vital part of the total state planning office. It covers many of the conservation items and it certainly puts together the local, regional and state outdoor recreation picture. It is imperative, I think, that the present staff remain intact, as has been suggested. This bill, which would appear to me to be most logical, could accomplish the transfer of the office inasmuch as in any case the Governor has to attest to the validity of the Outdoor Recreation Report, which is a blueprint for eligibility, or added positions could set up, possibly in the Department of Resources and Economic Development if that were the case. In any case, at this time there is one resource planner who has been



assigned to aid in the outdoor recreation plan but this does not mean that the two resources planners by any means devote 100% of their time to this particular activity and I would want to make that point clear at this time. I would be in opposition to the amendment.

Sen. FOLEY: I would simply like to reiterate what Sen. Gove has said and express my approval. This is a small department. I believe the whole Department belongs in the Executive branch, but I am against splitting it up, as small as it is.

Amendment adopted.

Referred to Finance under the rules.

## COMMITTEE REPORT

### SB 25

relative to the Dept. of Centralized Data Processing. Ought to pass with amendment. Sen. Jacobson for Majority of Executive Depts. — Inexpedient to legislate. Sen. Chandler for Minority of Executive Depts.

Amend RSA 8-C, II (j) as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following new paragraphs:

(j) other provisions of law notwithstanding, give prior approval of any rentals, purchases, programming costs, inter-departmental and/or regional agreements or consulting fees relative to data processing; and

(k) perform such other acts as may be required for the effective performance of the department's duties.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Authority Clarified. Amend RSA 8:13-a (supp) as inserted by 1967, 253:4 by striking out the same and inserting in place thereof the following: 8:13-a Data Processing. The director of accounts shall handle and carry on the system of accounts and reports of financial transactions prescribed by him for all departments and agencies of the state, and the records of funds received, and the systems of central state accounting records and encumbrance accounting on data processing equipment established and ap-



proved by the director of data processing and in the form and employing such forms and methods of processing the data, as approved by the director of data processing, that will make use of the most advanced and economical techniques applicable to available equipment.

Sen. JACOBSON: This bill is basically the same as was in the regular session. As you may remember, this bill was sent to the Task Force and they have reported it and made some corrections. When it was heard before the Committee, there was still some opposition to the bill and an effort was made to amend the bill to further clarify the authority.

Sen. Jacobson explained and read one part of the amendment.

Sen. PORTER explained the other part of the amendment which would remove the footnote of the bill and bring it up to the proper order under section 2, page 2 of the bill. It removes the footnote relative to the other provision. Gives prior approval to any rental or costs. Item J on Page 2 has become K. This is simply a technical correction.

Sen. GILMAN: You said the footnote in the budget bill has been deleted by this amendment?

Sen. PORTER: This removal and insertion will make this part of the statutory law.

Sen. Chandler moved the report of the Minority be substituted for that of the Majority and spoke in support.

(Discussion)

Sen. Lamontagne moved the previous question. Adopted.

Motion to substitute was defeated.

Amendment adopted. Ordered to third reading.

Sen. Provost moved SB 34, relative to the salaries of the justices and clerks of the Manchester district court, be taken from the table.

Sen. Bourque moved further consideration of SB 34 and report be Special Order of Business for Tuesday next at 1:01 p.m. Adopted.

Sen. Spanos moved the Senate go into the late session.

## LATE SESSION

## Third reading &amp; final passage of Bills

SB 12, relative to retirement credits for Teresa B. Demarais and Paul Hartigan.

SB 35, removing a conflict in the issuance of search warrants.

SB 25, relative to the Department of Centralized Data Processing.

Sen. Mason moved reconsideration of vote on above bill. Motion lost.

Sen. LAMONTAGNE: I would like to have the record show that I sincerely appreciate the vote of confidence given me by this Senate today with respect to TEPCO.

## ANNOUNCEMENT BY THE CHAIR

The CHAIR would caution the Committee Chairmen and Members of the Senate that under the rules, all Senate Bills must be passed by the Senate on Tuesday if they are to be acted on in this Special Session.

Sen. Ferdinando moved adjournment at 5:10 p.m.

---

*Tuesday*  
*14Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

O GOD, who makest Thyself known both in the stillness and the flurry of life: come to use as we seek to come to Thee, grant us strength and courage to face the challenges of today; purify our thoughts and strengthen our resolves that we may go forth into the world of tomorrow, confident that Thou art with us. We pray for the safe return of the men of APOLLO 13 who are racing earthward, their mission aborted and their spaceship crippled. Grant them every resource of human knowledge,

every power at our command, and the confidence of Thy Presence to guide these "men of faith" homeward. May Thy blessing keep us safe from fear and superstition, enabling us to know the power of Thy Love and the dependability of Thy Laws.

Amen.

Sen. Koromilas led Pledge of Allegiance.

## HOUSE MESSAGES

First, second reading & reference

HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns. To Ways & Means.

HB 7, to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony. To Judiciary.

HB 42, relative to the administration of the insurance laws. To Banks, Insurance & Claims.

HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville. To Executive Depts.

## House Concurrence

HJR 4, naming the David Wayne Hildreth Dam.

## COMMITTEE REPORTS

### SB 17

increasing the motor vehicle road toll to be used for town road maintenance. Majority: Inexpedient to legislate. Sen. Gove, Majority, Ways & Means — Minority: Pass with amendment. Sen. Mason, Minority, Ways & Means.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 Payment to Cities and Towns. Amend RSA 256:6 as amended by 1955, 230:4 and 1957, 273:2 by striking out said section and inserting in place thereof the following: 265:6 Use of Tolls. Seven cents per gallon of the road tolls authorized by section 4 shall be used initially to pay the interest and principal due on any bonds and notes

issued pertaining to highway purposes and the remainder shall be paid into the highway fund. Of the additional one cent per gallon one-half shall be distributed to each city, town and unincorporated place in an amount based on the proportion which the mileage of the regularly maintained Class IV and Class V highways in the city, town or unincorporated place as of January 1 of the previous year bears to the total mileage of regularly maintained Class IV and Class V highways in the state as of that date. The remaining one half cent per gallon shall be distributed to each city, town and unincorporated place in an amount based upon the proportion which the population of that city, town or unincorporated place as determined by the most recent federal census bears to the total population of the state as determined by such census.

Further amend the bill by inserting after section 2 the following new section:

3 Highway Purposes. Amend RSA 265 by inserting after section 6 the following new section: 265:6-a Distribution. On or before February 15 of each year the commissioner shall pay to each city, town and unincorporated place its share of the additional one cent per gallon road toll authorized by section 6 collected during the previous calendar year. Said funds shall be used by the cities, towns and unincorporated places only as authorized by Part Second, Article 6-a of the New Hampshire Constitution.

Further amend said bill by renumbering the original section 3, striking out the same and inserting in place thereof the following:

4 Effective Date. This act shall take effect July 1, 1970.

Sen. GOVE: I rise in support of the Committee Report Inexpedient to Legislate. Mr. President, there is no one in the Senate more aware and more sympathetic to the plight of our cities and towns than am I.

The Committee hearing this bill had the benefit of testimony from many people representing various interests. I would confine my remarks to testimony offered by the State Highway Department.

In the last Session, Sen. Armstrong introduced a similar bill. In the course of their deliberations this past summer, the Citizens Task Force recommended that action be taken to implement the aims of SB 17. However, the Governor did not see fit to introduce legislation at this Special Session. Instead he chose to request the Highway Department to develop a program of increased aid to towns and cities based on actual need for presentation to the next regular Session of the Legislature, in conjunction with proposed increases in the gas tax; a program developed on a needs basis that would be geared to jibe with pending federal legislation.

The need for increased cash flow to the Department in the future is evident. One aspect noted was that for debt service 1.4c out of the gas tax will be needed, but by 1971, 1.7c will go for debt service.

It seems to me that the State Highway Department has become more aware of the needs of the cities and towns — that they now are giving serious, mature consideration to ways and means for recommending and allocating substantial additional sums for our subdivisions, and for doing it on a needs basis. Sen. Armstrong should be praised highly for this bill — but I would submit that more study should be given to allocating funds on a *needs* basis.

Originally, the bill called for a formula based solely on road mileage, now to make a fairer allocation, the sponsor places one-half the returns on a population basis. No doubt a more sophisticated formula will be attained by the Department — possibly some extra thought should be given to bridge aid. I believe that Sen. Armstrong has done a great service to his district and to the State by vigorously pursuing this measure, and that the results of his work will bear fruit at the next regular Session. Certainly the attitude of the Department is one of good cooperation.

Sen. MASON: I move that the report of the Minority, ought to pass with amendment, be substituted for that of the Majority, Inexpedient to legislate. As you all know, I personally am from a small town. From a District that comprises 16 relatively small towns. I am going to take this floor on every occasion that I can to return money to be used at the local level. This bill will do that. I would yield to Sen. Armstrong.

Sen. ARMSTRONG: Sixty-nine percent of the highways in the State of New Hampshire are Class 4 and Class 5 highways. Nine thousand seven hundred and forty-three miles of city streets and town roads that receive no monies from the gas tax for snow plowing, buying salt, or patching pot holes. The cities and towns maintain these roads from their property taxes. The passage of this legislation, an additional one penny on the gas tax, three million, six hundred thousand dollars, or \$197.00 per mile, and \$2.48 per person for Class 4 and Class 5 maintenance. Article 6A of the Constitution of New Hampshire says that gasoline road tolls shall be used exclusively for the construction, reconstruction and maintenance of public highways. This bill allows the legislature for the first time to direct the highway department to send a share of this gas tax money back to the cities and towns for town road maintenance. It was testified at the hearing that there would be no administrative problems or cost in collecting this additional penny on the gas tax. At the hearing the opponents realized the need of the cities and towns for more money for maintenance. It was even testified that the highway department is looking into this problem and expects to come up with a solution next session. The needs for these monies are NOW in these cities and towns, not next year. Since 1960 the town share of gas tax money as represented by TRA funds has decreased from eleven percent of collections to nine percent of collections. I do not claim that this will reduce property taxes, it is however, a sharing of the property tax burden by the user.

Statement from Robert M. Clark, Mayor of Keene, N. H.  
To Cheshire County Legislative Delegation  
Gentlemen:

I hope you support the 1c increase in gas tax aid to go directly to cities and towns. The property tax payers are very hard pressed. This bill is based on usage of gasoline, and spreads the costs to the users *in proportion to how much they use our highways*. As you can see in the figures below, we spend about 2½ times as much on highways as we get in revenues from highway users. Like everything else, the balance comes from the overburdened property tax payer.

## CITY OF KEENE 1970 BUDGET

## 1970 Highway Costs (Excludes parking lots)

Debt Service	\$14,000
Police (50%)	154,350
Highway	135,000
Snow Removal	137,500
Construction & Repair	138,389
Street Lights	61,944

TOTAL	\$641,183
-------	-----------

## 1970 Highway Revenues (Excludes parking revenues)

TRA-A	\$19,457
TRA-B	7,970
Auto Permits	220,000
Parking Fines	4,000
Special Police Charges	10,000

TOTAL	\$261,427
-------	-----------

(The above figures exclude all costs and revenues for parking lots.)

I urge you to support passage of the bill which would return 1c directly to our cities and towns. It could mean about \$70,000 to our city or 90c on the tax rate. We're desperate.

Sincerely,

Robert M. Clark, Mayor

RMC/mmk

cc. Governor Peterson

Marshall Cobleigh, Speaker of the House

David Mann, N.H. Municipal Association

Robert Whitaker, N.H. Dept. of Public Works

Robert Whitcomb

Sen. BRADSHAW: One of the things that New Hampshire seems to be very much involved in is watching the price differential between prices in New Hampshire and our neighboring states. At the present time, what effect would your bill have on changing this competitive situation and have you projected what the gallonage might be?

Sen. ARMSTRONG: No. I have not.

Sen. LAMONTAGNE: I rise in opposition to the motion.

SB 17 is an exact copy of SB 224 introduced by Sen. Armstrong in 1969.

SB 17 would distribute income from the additional 1c gas tax on the basis of Class IV and V mileage (local road) in towns for maintenance of said roads. We assume distribution would be to cities also.

Estimated Revenue	\$3,596,097.00
Class IV & V Mileage	9,184.46
Revenue per Mile	391.54

A summary of aid to towns and cities indicates that SB 17, plus the already existing Maintenance Allotment Funds, would exceed the actual 1969 maintenance expenditures in 32 towns. Grafton leads with an excess over expenditures of \$15,385; followed by New Boston, \$12,104; Lempster, \$7,510; Lyme, \$6,893; Dorchester, \$5,960; Danbury, \$5,832, etc.

Highway Aid to towns and cities now totals \$2,750,100; 10.9% of \$25,172,679 in estimated road toll funds at 7c per gallon. SB 17 would increase aid to \$6,346,197; 22.1% of \$28,768,776 at 8c per gallon. A common assumption has been that about 15% of the total gas tax revenue is more realistic as a distribution factor. This can be supported by using annual vehicles-miles as a comparison of need.

A heavily travelled state highway costs more to maintain than a town section with only a few houses. Towns have hundreds, perhaps thousands of miles where only a few cars pass each day, some are not plowed at all in the winter. Even city streets have low traffic volume sections.

The annual vehicle-miles for 1968 has been computed by our Planning Section, showing 83.65% of the statewide annual vehicle miles is on the 4,363 miles maintained by the state, while only 16.21% is on the 9,184 mile town and city system. An annual vehicle mile is the product of annual traffic volumes times the length of each section of highway.

Motor Vehicle Permits collected by towns and cities totaled \$6,897,209 in 1968 and will total somewhat higher in 1969 when the final summary is made. Designation of these revenues to local highways for maintenance and improvement purposes



would change the local highway need considerably. Vermont and probably other states collect such revenues as a part of state income eliminating these funds from local jurisdiction.

Gas Tax increases have occurred in: 1923, 1c; 1924, 2c; 1927, 3c; 1928, 4c; 1951, 5c; 1957, 6c; 1959, 7c.

Distribution of a gas tax increase should be based on the actual need of towns, cities and state, not on a purely mileage basis to towns and cities. All funds should be distributed along the lines of recognized aid programs, not as an annual handout. A major bridge aid fund is needed for cities where substantial lump sum amounts could be made available for these expensive structures. Town Road Aid B Funds ought to be increased to help cities and large towns. An increase in TRA A Funds would assist all towns and cities but there is a definite need for urban projects.

The state is also in great need for additional funds to provide major route improvements. At present too much gas tax revenue goes to debt service made necessary for construction and maintenance of the state system, and for already existing aid to towns and cities. The 1970 Fiscal Year Budget requires 1.4 cents out of the 7 cents gas tax for debt service and the 1971 Fiscal Year requires 1.7 cents. State highway programs must be supported from current revenue such as a portion of a gas tax increase, not from greater bonding and its resultant debt service cost.

SB 17 is not a balanced source of revenue for towns and cities. It should be defeated and new legislation prepared for the 1971 Session where aid would be considered in areas of the greatest need.

Sen. GILMAN: I rise in support of the motion to substitute. There is one factor that the Senate should bear in mind. We have a Highway Trust Fund in Washington — relative to these trucks that are using the Interstate system. . . . In my judgment, the aid is so urgent — some of our communities will be back to dirt roads. I think that urgency requires that we do something now. I think that the need is so great that the move should be undertaken now with this bill.

Sen. CLAVEAU: How much money will the towns receive?

Sen. GILMAN: I think it has been said 6 million dollars.

Sen. JACOBSON: I rise in support of the pending motion. My experience down here thus far has been that the thrust of much of the legislation has been in reducing town assistance. There has been very little done to give the towns any basic support. Many of these small towns are heavily burdened by taxes. This bill will provide a minimizing collection. This will give the cities and towns some extra money.

Sen. CHANDLER: I can see there is considerable concern in helping the towns. How about 1c of the present gas tax going to the towns instead of adding some on?

Sen. CLAVEAU: I rise in opposition to the pending motion. At the present time, the cities and towns are getting 9/10 of the revenue plus motor vehicle fees. We have no assurance that money going to the towns will be used for highways. I think we have a good set up with the Highway Dept. now. I would hate to see this system changed to use gasoline funds for other purposes than roads.

On motion to substitute, Sen. Armstrong requested a Division.

Sen. GAUTHIER: This bill was killed last session, will this require a two-thirds vote of the Senate?

Sen. JACOBSON: That bill died on a 10 to 8 vote, so it would not come under the rule of indefinitely postponed.

Sen. CLAVEAU: It was indefinitely postponed. I made the motion.

The CHAIR: The Chair feels that a simple majority is all that is necessary in this vote on motion to substitute.

Sen. CHANDLER: I challenge the ruling of the Chair. In backing up my challenge, I would quote the ruling of the Chair itself on Page 4 of Journal of 25 March 70.

(Discussion)

Sen. CHANDLER: I will temporarily withdraw my challenge.

Sen. BRADSHAW: I move the further consideration of SB 17 be indefinitely postponed. I did not intend to speak on this matter because frankly I support the concept of this type of formula. However, I do have reservations that the meanings

have been carried through to a meaningful end. Consequently, I think this is a poor time to decide such a measure before all facts and figures are available.

On motion above, the Chair was in doubt.

Sen. Mason requested a Division.

Eleven voted yes. Twelve voted no.

Motion was lost.

The CHAIR: Upon advice of Counsel and numerous others, the Chair rules that because this matter was voted indefinitely postponed in this body, it will require a two-thirds vote on this substitute motion.

Ten voted yes Eleven voted. no.

Motion lost.

Sen. LEONARD: Parliamentary inquiry. At the time this bill came into the Senate, it came in with a two-thirds vote. I don't agree with the ruling.

Sen. MASON: I would like to be listed along with Sen. Leonard and now the the Chair has set this procedure, I would move that every bit of legislation be given exactly the same treatment.

Sen. ARMSTRONG: I agree with this also.

Sen. LAMONTAGNE: When I voted to enter this bill, I voted only for the purpose of giving Sen. Armstrong Senatorial courtesy.

Sen. MARCOTTE: This is exactly the point that I made on March 25th and I see we all agree.

On motion of acceptance of Committee Report, Inexpedient.

Sen. Armstrong requested a Division.

Eleven voted yes. Twelve voted no.

Committee Report not adopted.

Sen. MASON: I move that this be made Special Order of Business for 1:01 tomorrow.

Sen. ARMSTRONG: I move Special Order for 1:02 today.

Sen. MARCOTTE: Are we changing the rules or are we still abiding by the 1969 rules?

The CHAIR: I hope we are.

Sen. GILMAN: Would the status of this bill be that it is still in the hands of the Committee?

The CHAIR: Yes.

Sen. LEONARD: Parliamentary inquiry. If this bill is made Special Order for tomorrow, will it die under the rules?

The CHAIR: Yes.

Sen. CHANDLER: Parliamentary inquiry. If the bill is technically now in the hands of the Committee because the Senate voted not to accept the Committee Report, will it not take a two-thirds vote to discharge out from the Committee?

The CHAIR: What rule is that?

Sen. CHANDLER: I believe that has been a long established rule that in order to order a bill out of Committee, would take a two-thirds vote. The rule from the Chair was that it was now in the hands of the Committee. Then, it would take a two-thirds vote.

Sen. GILMAN: This would be the case unless the Committee on its own volition can offer another motion to the Senate.

Sen. CHANDLER: Yes, I presume so.

Question on motion for Special Order at 1:02 today.

Sen. CHANDLER: My motion was to point out that motion for Special Order was out of order. It is now no longer before the Committee.

Sen. ARMSTRONG: The bill is now in the hands of the Committee?

The CHAIR: Yes.

Sen. GOVE: May I have a 30 minute Recess in order that Ways & Means Committee may meet.

The CHAIR: I have checked with the Clerk and established that we do not have a great pile of bills on which to act here, but that we do have some amendments that are not in form. So in view of the fact that we may take up other matters, I will grant the recess.

### RULES SUSPENDED

Sen. BRADSHAW presiding.

Sen. Koromilas moved suspension to permit introduction of 5 Committee Reports.

#### SB 6

relative to the real estate commission and making an appropriation therefor. Ought to pass with amendment. Sen. Leonard for Judiciary.

Amend section 4 of the bill by striking out in lines seven and eight the words "and has successfully passed a real estate course accredited by the commission" so that said section as amended shall read as follows:

4 Qualifications for Examination. Amend RSA 331-A:4-c, IV as inserted by 1969, 461:8 by striking out said paragraph and inserting in place thereof the following:

IV. No application to take the examination for a broker's license shall be accepted unless the applicant shall have served at least one year as a licensed real estate salesman in this state or another state, or shall have furnished to the commission proof of experience equivalent thereto.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Special Fund. Amend RSA 331-A:5 (supp) as amended by 1959, 222:1; 1965, 319:3; and 1969, 461:11 by striking out said section and inserting in place thereof the following:

331-A:5 Fees and Disbursements. The fees charged and collected by the commission shall be paid to the state treasurer. The state treasurer shall deposit ninety percent of the amount so received in the general fund. He shall keep the remaining ten percent in a separate fund to be known as the "real estate licensing fund." Such fund shall

be kept separate and apart from all other monies in the treasury, and shall be paid out only for the purposes of this chapter. All monies in the fund are hereby specifically appropriated for the use of the commission. Any monies remaining in the real estate licensing fund at the end of the biennium shall be paid into the general fund of the state treasury. The commission shall not exceed its regular budgetary appropriation except that expenses in excess of said appropriations may be paid with approval of the governor and council, and shall be a charge against said special fund. The following fees shall be charged and collected by the commission.

I. For each original broker's license a fee of twenty-five dollars, and for each biennial renewal thereof, a fee of twenty dollars.

II. For each original salesman's license a fee of fifteen dollars, and for each biennial renewal thereof, a fee of ten dollars.

III. For each duplicate license, a fee of three dollars.

IV. For each license amendment a fee of three dollars, and for each certificate showing whether a person has been licensed as a broker or salesman a fee of one dollar.

V. For each check returned for insufficient funds or any other reason a service charge of three dollars.

Amend the bill by striking out section 11 and inserting in place thereof the following sections:

11 Discretionary Licenses. Amend RSA 331-A (supp) by inserting after section 8-a the following new section: 331-A:9 Discretionary Licenses. The commission is authorized and empowered, on a finding by it that a person is in its opinion fully qualified and that it would carry out the purpose and intent of this chapter and that it would be in the public interest to waive any residency, educational, or examination requirements, to issue a broker or salesman license to an applicant who is so qualified.

12 Effective Date. This act shall take effect upon its passage.

Sen. Leonard explained the bill and amendment.

There are 3 changes in this bill as amended. 1. The present law requires the applicant to take a real estate course before taking the examination. This was changed not to require taking the course, but it is necessary to take the exam. 2. It gives the Commission the discretion to issue a license to an individual who has not qualified for requirement. If a person had great experience in the field and the Commission thought he would be a good man, they could issue one. 3. Sets up a special budget for the Commission. They receive about \$75,000 per year in fees, and they have an appropriation of 33 or 34 thousand dollars. This special fund would set up 10% of what they receive and 90% of what they receive from the general funds. If the Commission has a lot of hearings, appeals, etc. they would need money for a court stenographer and expenses of the hearing and this would be taken from the special fund. However, it provides that the Commission would have to go before the Governor and Council to get approval before they could use these funds.

Sen. CLAVEAU: As a member of the Commission and the sponsor of the bill, I would like to say that I am in favor of the bill and so is the entire Commission.

Sen. KOROMILAS: Does the Commission have the right to require a course in the real estate field?

Sen. LEONARD: No. The taking of a course is not mandatory.

Sen. KOROMILAS: Can the Commission require it?

Sen. LEONARD: No, not according to my understanding.  
Amendment adopted.

Sen. GILMAN: As I would interpret, that these provisions would require that it go to Finance. I wonder if a motion is in order that rather than refer this to Finance, I would move that the rules requiring its referral to Finance be dispensed with and assure that this matter can be reviewed at the time the budget bills come over from the House.

The Chair referred the bill to Finance.

Sen. Townsend moved suspension to dispense with bill going to Finance. Adopted.

Ordered to third reading.

## CA-CR 3

providing that separate items in an appropriation bill may be vetoed or reduced by the Governor. Inexpedient to legislate. Sen. Koromilas for Judiciary.

Sen. Koromilas explained the CA CR and explained the Committee's reason for reporting same as Inexpedient.

This bill, of course, would erode the power of the Senate and also of the House. I will explain what this line item veto would do in giving these powers to the Governor. In a bill in which there were contained items of appropriation, if it passed both Houses and it went to the Governor, he could either reduce an item on the appropriation or veto that item on the appropriation bill, and if he did so, it would have to come back into the House and Senate and it could be overridden by a simple majority. Now, we all know, that a regular veto requires more than a majority, but there is another feature that if the appropriation goes to the Governor and he has five days to sign it, or veto it, and the Legislature leaves, then the Legislature does not have a chance to override the veto and what the bill says, that in that event, whatever the Governor did, would be law. This bill would take away certain powers from the Legislature and confer them on the Governor. I believe that we have had many bills in this session, such as the 4 year term, which I was in favor of. We have enhanced the powers of the Governor in many areas, and I have so voted for them. This not only enhances the powers of the Governor, but it takes away certain powers of this body.

Sen. SPANOS: I rise in support of giving the chief executive of our state a *line-item veto* which he is currently prohibited from doing by our state constitution. He either accepts the budget in toto or he vetoes the budget in toto. I don't think a Governor should have to take this "all-or-nothing-at-all."

That which is good government is an absolute — it does not vary from Administration to Administration, nor because the chief executive changes from one party to another.

That is why I had no reservation in sponsoring such a constitutional amendment when Governor King was in office and I have no qualms about supporting this amendment recommended by the incumbent Administration.



I fully realize that this amendment involves the age-old confrontation between the legislature and the chief executive and their respective powers. I know that the legislature jealously guard its prerogatives and I know that it feels that giving the Governor a line-item veto is a loss of some of their power and feel that that power could be abused by our Governors.

I submit that there is a greater danger of abuse in the legislature's budgetary deliberations and decisions than by the Governor. Remember if he errs in his position, he must answer to all of the people and not just a few.

I might add that this particular amendment has a unique feature in it that was missing from previous amendments and that is that it allows the Governor's veto be overridden by a majority and not by two-thirds vote. This should serve to minimize the legislature's fear of a heavy hand by the Governor but would serve to put the spotlight on areas in the budget which crop up now and then and are not necessarily in the best interests of the state.

Recommendation of Committee adopted.

**SB 37**

relative to fees for medical referees. Ought to pass. Sen. Leonard for Judiciary.

Sen. KOROMILAS: This bill is a housekeeping bill. It does double the fees of medical referees. Your Committee voted wholeheartedly in favor of this bill.

Ordered to third reading.

**SB 22**

relative to municipal permits for previously registered vehicles. Ought to pass with amendment. Sen. Leonard for Judiciary.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

**AN ACT**

relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

Amend section 1 of said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Municipal Permits for Motor Vehicle Registration. Amend RSA 260:22 (supp) as amended by 1967, 332:1 by striking out said section and inserting in place thereof the following: 260:22 Required. No motor vehicle owned or controlled by a resident of this state shall be registered under the provisions of this chapter until the owner or person controlling the same has obtained a permit for registration from the city or town wherein he resides. No such permit for a motor vehicle six years old or less, such age to be calculated from the year in which application is made pursuant to this chapter, may be issued unless the applicant proves prior ownership of the vehicle by presenting to the city or town clerk a current or previous year's registration certificate, a certificate of title, a certificate of temporary registration issued by a registered motor vehicle dealer or a certified bill of sale from the previous owner of the motor vehicle if such owner is a private individual. This section shall not apply to motor vehicles which constitute stock in trade of a manufacturer or of a bona fide dealer.

2 Certificate of Title. Amend RSA 269-A (supp) as inserted by 1967, 357:1 by inserting after section 17 the following new sections:

269-A:17-a A Husband and Wife. Notwithstanding any other provision of law and unless otherwise provided in the will, upon the death of a married resident owner of a motor vehicle registered in this state, said motor vehicle, if used for family purposes, shall be deemed to have been jointly held property with right of survivorship and the interest of said decedent shall pass to his or her surviving spouse; and a certificate of title shall issue on the following conditions:

I. Where a certificate of title has been issued on said vehicle a new certificate of title shall be immediately issued to said spouse upon the following conditions; application shall be made to the director accompanied by (1) copy of the death certificate, (2) the certificate of title previously issued and (3) the required fee;

II. Where no certificate of title has been issued on said vehicle and where such transfer requires the issuance of a certificate of title a first certificate of title shall be immedi-

ately issued to said spouse upon the following conditions; application shall be made to the director including information required by RSA 269-A:7, I, (a) and (b), accompanied by (1) a copy of the death certificate and (2) the required fee.

269-A:17-b Liens: Fee. In the case of a transfer of a motor vehicle under RSA 269-A:17-a any lien on the motor vehicle shall be automatically continued. The fee for issuance of a certificate of title under RSA 269-A:17-a shall be so provided in RSA 269-A:28.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. Bourque explained the bill and the amendment.

The amendment does three things, having to do with certificate of title law. 1. Automobiles six years or older will no longer be required to be titled. At the last session, we provided that cars manufactured prior to 1964 would not have to be titled. This will keep it up-to-date. After 6 years, not required. 2. When a husband does have a car registered in his name and he dies with no will, the children come into the picture for a two-thirds interest. If there is a will, it is jointly held property. The Committee has tried to work it out this way. Under the amendment a motor vehicle used for family purposes and registered in the name of husband or wife will presume to have been held in joint ownership. Upon the death of spouse, it will go to the surviving spouse unless otherwise directed. 3. This is a housekeeping amendment having to do with the fee that will be charged in this case.

Sen. CHANDLER: In the 1967 session, when we passed this proof of ownership law, I opposed it and thought it was a bad bill. Last session, I introduced a bill to repeal it. I think my original position has been somewhat vindicated in that we have had to amend the law last session and again this session. I predict that next session we will have to make more changes. My contention that it would do more harm than good and that it was poor legislation in the first place. I don't think I need to point out that we have had to correct errors in the legislation.

Sen. LAMONTAGNE: I rise in support of the amendment. At the same time, I personally feel that although the original law was supposed to have been for new cars — if that had hap-

pened, we would not have had all these problems. Again, I think this has to do with good common sense. If good common sense had been used, we would not have had this problem and it would not be necessary to amend at this special session. I think the Committee has done a good job. This will save a lot of headaches that are facing this problem. I compliment the Committee.

Amendment adopted. Ordered to third reading.

Rules suspended to dispense with holding of public hearing on following bill:

**SB 38**

providing for the regulation of community antenna television systems. Refer to Legislative Study Committee. Sen. Leonard for Judiciary.

Sen. KOROMILAS: This bill was introduced by Sen. Lamontagne. It proposes to put under regulation CATV, which is not at present under any type of regulation. However, due to the fact that this bill came in late, we did not have a chance to have a hearing posted. This is a fundamental change in the law and since we have so little time today to do what we have to do, it was felt that it should be referred to Legislative Study Committee for further study.

Sen. GILMAN: I understand what the import of this bill is. When did the Committee get the bill?

Sen. KOROMILAS: About two or three days ago.

Sen. GILMAN: Has the Committee been contacted with requests to be heard by either abused parties or monopolies?

Sen. KOROMILAS: No. We did have a very limited hearing. The sponsor was there and he testified he realized this was coming at the end of the Senate business. He also realized that it was a fundamental change and he was agreeable to have it studied and all ready to go next session.

Sen. LAMONTAGNE: This bill was brought to my attention in Berlin because in Berlin they had a fee of \$125 for installation and \$2.50 per month. Then it was increased to \$3.50 and now they want to raise it to \$4.50. I have had as many as 30 calls from people who wish to complain about this and who are

favorable to have some type of regulation, but after talking with people here, I felt that as long as TV cable was being introduced in the State, this should be a bill for all the State and not just for Berlin. I would have liked to see it go to both Judiciary in the House and Senate, but after discussing this with the Chairman, I do believe the best thing would be to refer to Legislative Study Committee, and I have no objection. At the same time, the PUC wanted to be put on record that if they had known, they would have been at the hearing this morning. I will support the recommendation of the Committee. I have some model laws that have been passed in other states and I am sure with the help of the PUC and taking our time, we will have a good bill.

Recommendation of Committee adopted.

### RULES SUSPENDED

Sen. English moved suspension of rules.

#### SB 29

relative to reconstruction of a town road in Sutton leading to the Kearsage regional school. Without recommendation. Sen. English for Education.

Sen. English explained the bill and reason for Committee report.

The reason for this unusual Committee recommendation is that your Senate Education Committee did not have time to complete its investigations on this bill which is important to the town of Sutton. It involves a mile and one-eighth of road leading to the new Kearsarge Regional School. It appears from the testimony at a very large hearing that the question of putting this back road in proper condition to transport school buses was not properly resolved when the decision to build the school at its present site was determined. Something desperately needs to be done on this road and involved is an estimated expenditure of possibly well over one hundred thousand dollars. Solving this problem involves many complex factors. The bill as originally drafted was not satisfactory to the Committee. The bill as amended removes the unsatisfactory provisions, but does not fully solve the problem. In view of the fact that this bill must go forward to the House or die, the Committee asks the Senate to listen carefully to the remarks of Sen. Jacobson and others

who may speak and if the proposal has merit, it should be sent on to the House. I have ascertained from the Chairman of the Education Committee in the House that they are ready to have further hearings on this measure and hopefully come up with a fair solution. This bill as amended as it is at the present time is innocuous. In my opinion, it can do no harm. The bill will not do the good it should do, but the possibility of making it into a proper solution to Sutton's problem exists. I yield to Sen. Jacobson for his remarks.

The CHAIR: The chair would state that he allowed the Committee Chairman to make comments without a motion. We do not have a motion on this measure.

Sen. Jacobson moved that SB 29 be reported as pass with amendment.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Special Meetings. The Kearsarge regional school district is authorized to call a special district meeting to raise and appropriate and authorize the borrowing for the purposes of section 1. Notwithstanding the provisions of RSA 31:5 said meeting shall have the same authority as an annual district meeting.

Further amend the bill by striking out section 4.

Further amend the bill by renumbering sections 5 and 6 to read 4 and 5 respectively.

Sen. JACOBSON: My distinguished colleague, Sen. Gilman, characterized my appearance as one expressing temerity, but I want to state very carefully that I am extremely diffident about standing here today. As all of you know, this was an issue in an entirely different form in the last session. At that time, I desired to have a bill passed in which the town of Sutton would pay 50% of the cost and the State would pay 50% of the cost. That bill passed the Senate and died in the House. I still believe that this is the right and proper way of handling this matter. I would like to state for the record that the real problem developed when the Dept. of Education approved the site plans without settling the road question back a year or more ago. That is when the road question should have been settled, primarily in approving the site of land. If that had been done, we would not

ever be in the situation that we are now in. Now, with the defeat of the bill I proposed last session, the town of Sutton went ahead and proposed a bond issue to finance the cost of the road. A hearing was held at which 125 or more citizens attended. It was voted on at the Town Meeting last March and the bond issue was defeated 210 to 31, so there is no road. The Selectmen of Sutton, then went to the Kearsarge Regional and also to the District meeting with their problems. At that District meeting, there was a straw vote, but no legal stand. They voted to support the motives of this bill as I put it in. The Selectmen then asked me to put in this bill. What this bill does, it provides a permissive opportunity for the Regional School District to vote a bond issue so that the road may be built. That is, the School District in its entirety, and the 7 existing School Districts would come together as they would on any issue and vote on it. 55% would be paid from the State and 45% of it would be paid on the distribution formula established by the Kearsarge District by the 7 towns. This was the nature of the bill. When the bill was written, Miss Marshall up in Legislative Services — it had to be written in a hurry — she put in all the exceptions. She said “you can take them out when the bill goes through the process.” I talked with the Chairman of the Education Committee and told him I wanted all the exceptions taken out except the one that requires that the municipality may go to the Supreme Court in the case of a special meeting, where there is a special meeting in order to get the 50% population required at the meeting and voting. That one is still in the bill. Now, it was said by some last time that this was the way this should go. This is the way it is. I recognize that it raises some questions. I believe it raises more questions than did the other bill, but something has to be done. The school is opening in September and we will have to take the students down on horseback or carry them. I think it is ridiculous that we take the town of Sutton to court. I leave it to your consideration and your judgment. I have not solicited one vote. I leave it to your judgment whether the School District should have this opportunity to decide this issue.

Sen. SPANOS moved the bill be indefinitely postponed and spoke in support of motion:

I move further consideration of SB 29 be indefinitely postponed.



I supported Sen. Jacobson's efforts at the regular session to have the road in question built with state funds. This was the fair way of funding the construction of the highway.

I cannot support this bill because it would create a hardship to a town in the Kearsarge Regional School District which I represent — Springfield.

I sympathize with the plight of Sutton but as I was informed, this community wanted the school. It will benefit economically from its construction because it is a mile long road.

This bill will create animosity between the towns which they can ill-afford. If my memory serves me, almost everyone at the Joint Senate House Education Committee (except from Sutton) spoke in opposition to the bill.

This is a precedent-making measure which may come back to haunt us. I suggest that Sutton go to the Superior Court if it seeks a remedy as the law gives them a route for equity.

Sen. ENGLISH: I believe the distinguished Senator has not realized that the Committee amendment removes the parts which appear to bother him. As I mentioned earlier, this bill as amended, is not a solution of the problem, but is a means of getting it into the House where some very complicated details hopefully can be worked out. I repeat, the bill in its present form, the Committee feels to be neither good nor bad.

(Discussion)

On motion to indefinitely postpone, Sen. Chandler requested a Divison.

Five voted yes. Sixteen voted no. Motion was lost.

Amendment adopted. Ordered to third reading.

## RULES SUSPENDED

### SB 30

relative to increasing the interest charged for delinquent tax payment. Pass with amendment. Sen Jacobson for Executive Depts.

Amend the title of the bill by striking out the same and inserting in place thereof the following:



## AN ACT

relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments.

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Redemption. Amend RSA 80:32 by striking out in line five the word "eight" and inserting in place thereof the word (eleven) so that said section as amended shall read as follows: 80:32 Redemption. Any person interested in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with eleven per cent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town; and upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the said tax collector shall accept said amount for the redemption of said property.

3 Payment of Subsequent Tax. Amend RSA 80:37 (supp) as amended by 1967, 313:1 by striking out in line twenty-three the word "eight" and inserting in place thereof the word (eleven) so that said section as amended shall read as follows: 80:37 Payment of Subsequent Tax. The purchaser of real estate at any tax sale may pay to the collector any tax assessed upon the real estate subsequent to that for which it was sold and the collector shall, within fifteen days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of

taxes shall receive fifty cents for such notice to the register of deeds of the subsequent payment plus fifty cents to be paid to the register of deeds. The purchaser, within fifteen days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of his payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a tax subsequent to that for which the real estate was sold and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale the collector shall be paid the sum of one dollar for this service. Any amount so paid on account of subsequent taxes, together with interest thereon at the rate of eleven per cent per year from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: This bill ups the interest rate on penalties when the property tax is not paid on time. At present, the rate is 6% and then when the second level and third level is reached it goes to 8%. This bill proposes to up the original — which is now 6%, to 9%, and ups the second level penalty to 11%. The amendment corrects the second level of penalties which were not included in the original bill. If this amendment is not added, we would be in the position of having a 9% level on the first instance and having 8% on the second level.

Sen. GILMAN: I support this position. The matter that comes to mind is the effective date. Can we assume that the taxpayer now paying 6% in 60 days — his interest rate will increase to 8 or 9%?

Sen. JACOBSON: Yes.

Sen. GILMAN: Do we have a conflict where the interest rate is changing? In your judgment, there is no conflict here, effective 60 days after passage?

Sen. JACOBSON: There was no discussion on this. I would presume that this problem would arise. That would carry it down to about June 28th, or a couple of days beyond. Only three or four months before the next series takes over.

Sen. MARCOTTE: I rise in support of the motion. This is a bill that was brought to my attention within the 20th District by the two Mayors of two cities. They felt that such a bill should be introduced because the interest rate was different. On a non partisan basis, I felt that it should be interested and I am in favor of the bill as amended.

Amendment adopted. Ordered to third reading.

### SB 27

relative to the air pollution commission. Pass with amendment. Sen. Porter for Resources, Rec. & Dev.

Amend section 3 of the bill by striking out said section and inserting in place thereof the following sections:

3 Private Action for Injunctive Relief. Amend RSA 125 (supp) as inserted by 1967, 433:1 by inserting after section 85 the following new section: 125:85-a Private Action for Injunctive Relief. Any person affected by the emission into the outdoor atmosphere of air contaminants in violation of the provisions of this subdivision or codes, rules or regulations of the commission, may institute a civil action in superior court on his own behalf for injunctive relief to abate such nuisance.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. PORTER: This bill adds 3 members to the Commission; 2 members are to be ecologists, and an additional member from recreation. It strikes out in line thirty-seven the words "shall not" and inserts in place thereof the word "may". There is also created an air pollution commission which shall be composed of 12 members, including one representing the steam power generating industry; one representing the fuels industry, one representing the manufacturing component of industry; one representing the field of municipal government; one licensed practicing physician; two representing the field of recreation; two ecologists; and three appointed at large. The members shall be residents of the State and shall be appointed by the Governor with the consent of the Council. Each member

shall serve for a term of four years and until his successor shall be appointed; provided that of the original appointments three shall be appointed for a term of two years, three for a term of three years and three for a term of four years.

(Discussion)

Sen. Koromilas spoke in support.

Sen. Lamontagne spoke against the bill.

Amendment adopted. The Chair referred the bill to Finance.

Sen. Gilman moved suspension of the rules to vacate the order of referral to Finance and that the bill be reported as ought to pass at the present time. Adopted.

Ordered to third reading.

### SB 31

relative to the purchase, sale and transportation of explosives and making an appropriation therefor. Pass with amendment. Sen. Armstrong for Public Works.

Amend RSA 158:9-a II as inserted by section 1 of the bill by inserting in line five after the word "sold" the words (the serial number of said explosive, if any) so that said paragraph as amended shall read as follows:

II. No person shall sell any high explosive to another unless the purchaser exhibits a license to purchase obtained as provided in RSA 158:9-b. In such case, the seller shall record the name and address of the purchaser, the license number, the date of the sale, the type and quantity of explosive sold, the serial number of said explosive, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

Amend RSA 158:9-a as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:

III. Notwithstanding the provisions of paragraph I, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may transport the same in the course of his employment if the employer has obtained a license in its name as provided in RSA 158:9-b.

IV. Notwithstanding the provisions of paragraph II, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may purchase the same in the name of his employer if said employer has obtained a license in its name as provided in RSA 158:9-b. In such case, the seller shall record the name, address and license number of the employer, the name and address of the employee, the date of the sale, the type and quantity of explosive, the serial number of the explosive sold, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

Further amend RSA 158-9-a as amended by section 1 of the bill by renumbering the original paragraph III to read V.

Sen. MASON: There are two amendments to this bill. The first one requires that any person selling high explosives keep a record of name, address, serial number and the purpose for which it is to be used. This record shall be kept by the seller for 2 years. The other provides that any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may transport the same in the course of his employment if the employer has obtained a license in its name as provided in RSA 158:9b.

Sen. KOROMILAS: I rise in support of the pending motion. I think that Sen. Armstrong along with the aid of Sen. Mason should be commended very highly by introducing in this particular amendment the area of serial number. The federal government does not have a requirement for taking the number of dynamite. If a person bought dynamite and it got into the wrong hands, there would be no record of knowing where it came from. I congratulate the Senators for adding this requirement of number.

Amendment adopted. The Chair referred the bill to Finance.

Sen. Gilman moved suspension of the rules to dispense with referral to Finance. Adopted.

Ordered to third reading.

## SB 14

permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of non public school coordination in the department of education; and making appropriations for all the above.

Pass with amendment. Sen. Gilman for Finance.

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3 Appropriation; Dual Enrollment. There is hereby appropriated the sum of six hundred thousand dollars for the purposes of section 2 of this act. This sum shall lapse on June 30, 1972. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Appropriation; Services and Transportation. There is hereby appropriated the sum of seven hundred thousand dollars for the purposes of section 4 of this act. This sum shall lapse on June 30, 1972. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend section 7 of the bill by striking out in lines ten and eleven the words "because of the closing of nonpublic schools" and inserting in place thereof the words (in any one year) so that said section as amended shall read as follows:

7 Enlarging Duties of the School Building Authority. Amend RSA 195-C:1, II (supp) as inserted by 1967, 154:1 by striking out the same and inserting in place thereof the following: It shall be the duty of the authority to consider and investigate all applications of: (a) receiving districts

districts (RSA 195), (c) a school district which has in operation under area school plans (RSA 195-A), (b) cooperative school district or which plans to put in operation for the next school year an approved dual enrollment agreement under the provisions of RSA 193:1-a, and (d) a school district which the state board of education has certified has had an increase in the enrollment in its public schools of ten percent or more in any one year, for awards of state guarantees with respect to borrowings authorized by such districts for school projects involving the construction, enlargement or alteration of school buildings, and to make written report thereon to the governor and council. If the authority finds that a school project will be of public use and benefit and that the amount of the authorized borrowing appears to be within the financial means and available resources of the school district making the application, the authority may include in its report a recommendation that a state guarantee be awarded on a split issue basis with respect to a specific amount of the bonds or notes of the district or that a state guarantee be awarded on a declining balance basis with respect to a specific percentage of each of such bonds or notes. In determining what amount or percentage to recommend under the provisions of this chapter the authority shall consider the need for the project in comparison with the need for other projects throughout the state and the capacity of the state to guarantee indebtedness within the limits contained in this chapter.

Amend section 8 of the bill by striking out the same and inserting in place thereof the following:

8 State Guarantee. Amend RSA 195-C:2 (supp) as inserted by 1967, 154:1 by striking out in line three the words "or cooperative school district" and inserting in place thereof the following (cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year) so that said section as amended shall read as follows: 195-C:2 State Guarantee. Upon the receipt of a report from the authority containing a recommendation that bonds or notes of a receiving district, cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year should be



guaranteed by the state, the governor with the advice and consent of the council may award an unconditional state guarantee with respect to such bonds or notes in accordance with the authority's recommendation or in some lesser amount or percentage, or on the alternative basis of guarantee, as the best interests of the state may require. The full faith and credit of the state are and shall be pledged for any such guarantees, and the total outstanding amount of the principal of and interest on such bonds and notes which has been guaranteed by the state under this section shall at no time exceed twenty million dollars. The governor, with the advice and consent of the council, is authorized to draw his warrant on the state treasurer from any funds in the treasury, which have not otherwise been appropriated, for the purpose of honoring any guarantee awarded under this section. In the event that any state funds shall be so used, the state may recover the amount thereof as provided in RSA 530.

Amend section 9 of the bill by striking out the same and inserting in place thereof the following:

9 Split Issue Limitation. Amend RSA 195-C:3 (supp) as inserted by 1967, 154:1 by striking out in lines ten and eleven the words "guaranteed portion of the total authorized borrowing shall not exceed one half." and inserting in place thereof the following (dual enrollment district, or district whose enrollment has increased ten percent or more in any one year the guaranteed portion of the total authorized borrowing shall not exceed seventy-five percent thereof.); by striking out in line twenty-one the words "the percentage of"; and by striking out in line twenty-three the words "the percentage of" and inserting in place thereof the words (three times) so that said section as amended shall read as follows: 195-C:3 Definition and Limit of Split Issue Guarantee. An award of a state guarantee on a split- issue basis under section 2 of this chapter shall specify the face amount of the bonds or notes which shall comprise the guarantee portion of the total authorized borrowing, and such guarantee shall be applicable with respect to that amount of the bonds or notes and interest thereon. In the case of a receiving district the guaranteed portion of the total authorized borrowing shall not exceed



the proportionate share of such borrowing which is attributable to the sending district or districts as determined by the state board of education under RSA 195-A:7; and, in the case of a cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year, the guaranteed portion of the total authorized borrowing shall not exceed seventy-five percent thereof. Bonds or notes bearing a state guarantee awarded on a split-issue basis shall be offered and sold at public sale, after such advertisement as the school board deems appropriate, as a separate and distinct issue from any issue of bonds or notes which are not guaranteed by the state. All state guaranteed bonds or notes issued to finance a particular project shall be made payable no later than the payment date of the last maturing unguaranteed bond or note which is issued to finance the same project. The bonds or notes comprising the guaranteed portion of an authorized borrowing may be issued from time to time, provided that the guaranteed portion which shall have been issued at any time shall not exceed three times the unguaranteed portion which shall then have been issued. The state's guarantee shall be evidenced on each guaranteed bond or note by an endorsement signed by the state treasurer in substantially the following form:

The State of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest of the within (bond) (note) and for the performance of such guarantee the full faith and credit of the State are pledged.

.....  
State Treasurer

Amend section 10 of the bill by striking out the same and inserting in place thereof the following:

10 Declining Balance Limitation. Amend RSA 195-C:4 (supp) as inserted by 1967, 154:1 by striking out in lines eleven and twelve the words "such percentage shall not be more than fifty percent." and inserting in place thereof the following (dual enrollment district, or district whose enrollment has increased ten percent or more in any one year, such percentage shall not be more than seventy-five

percent.) so that said section as amended shall read as follows: 195-C:4 Definition and Limit of Declining Balance Guarantee. An award of a state guarantee on a declining balance basis under section 2 of this chapter shall specify the percentage of the guarantee, and such guarantee shall be applicable in such percentage with respect to any amount of a bond, note or coupon comprising the authorized borrowing which the issuing district is unable to pay or refuses to pay upon the presentation of such bond, note or coupon. In the case of a receiving district this percentage shall not exceed the percentage of the total authorized borrowing which is attributable to the sending district or districts as determined by the state board of education under RSA 195-A:7; and, in the case of a cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year, such percentage shall not be more than seventy-five percent. The bonds or notes comprising an authorized borrowing guaranteed on a declining balance basis may be issued from time to time and may be sold at public or private sale. The state's guarantee shall be evidenced on each bond or note by an endorsement signed by the state treasurer in substantially the following form:

The State of New Hampshire hereby unconditionally guarantees the payment of \_\_\_\_\_ percent of any amount of the principal of or the interest on this (bond) (note) which the issuer of this (bond) (note) is unable to pay or refuses to pay upon presentation, and for the performance of such guarantee the full faith and credit of the State are pledged.

.....  
State Treasurer

Amend sections 11, 12 and 13 by striking out the same and inserting in place thereof the following new sections:

11 Nonpublic School Study Commission Report. Amend 1969, 57:3 by striking out said section and inserting in place thereof the following: 57:3 Report and Recommendations. The commission shall submit a report on or before January 15, 1971 to the 1971 legislature on the results and recommendations of their continuing studies

and in addition thereto they shall report on their assessment of the effectiveness of any legislation adopted by the 1970 legislature pertaining to nonpublic school problems.

12 Appropriation. Amend 1969, 57 by inserting after section 4 the following new section: 57:4-a Appropriation. In addition to any other sum appropriated there is hereby appropriated the sum of seventy-five hundred dollars for the purposes of this act. The governor is authorized to draw his warrant for this appropriation out of any money in the treasury not otherwise appropriated.

13 Effective Date. This act shall take effect as follows:

I. On passage, sections 1, 2, 4, 7, 8, 9, 10, 11, and 12.

II. On July 1, 1970, sections 3, 5, and 6.

Sen. GILMAN: This bill is one with which you are familiar. We have had a report from the Commission which was originated to inquire into this. We have had a report from Education. The Committee has no particular pride in authorship. The real objective is the most worthwhile education of the young people of the State. Also the obligation to keep the parochial schools open if it is possible. A number of points are covered in these amendments. We made the bill non lapsing until June 30, 1972. We also checked a feature in the bill which called for having a coordinating office in the Board of Education. We were impressed that this was not their thinking along these lines. We did however, in lieu of that continue the life of the Commission, with an appropriation to provide staff, research, etc. \$7,500. There are two features in the bill — the original bill called for aid of 30%. I am sure you know the law provides that there are transportation costs, regardless of what school they attend. The Committee took the position that a wiser thing would be 10% with respect to transportation. The dollar amount comes out to practically the same thing. \$450,000 the total cost. We concede that this is a different concept. Under this provision, we could assume that as their enrollment goes up, then the return to that community would grow also. The other feature the Committee adopted with respect to this bill is to permit school building aid on the basis of an increase in population. The bill as drawn provided that the aid would be granted to the local community if the increase in population resulted from the closing of parochial schools. So our position

was that the aid be extended regardless. Provides \$600,000 for dual enrollments, \$700,000 for general benefit services and these funds are inter-transferrable.

The CHAIR: Sen. Spanos has requested a division of the question. That we take Roman II as one item; Section 11 which is non public school study report as a second question; and the remaining portions of the amendment as a third question.

Sen. GILMAN: Perhaps we should refer to the substance of the divisions.

The CHAIR: Roman II, section 3 refers to all school districts providing transportation for pupils shall be granted in more than 10% of such transportation. I have already explained the substance of Section 11.

Sen. SPANOS: First of all, let me say that Sen. Jacobson and I were quite involved in this matter as were others in this chamber. I have no objection to the reduction of the appropriation from 1.5 to 1.3 million, nor do we object to the amendment which provides for the distribution of \$600,000 for dual enrollment, nor do we object to the amendments also offered, but we do object in two areas. That is, the elimination of the Office of Non Public School Coordination and the amendment which you now have referred to and which I am now speaking. The changing so that any school will be allowed up to 10% for all students is what I am objecting to. I will address myself to that issue. The reason I object to this amendment is only because I feel that this whole bill was designed to attempt to solve a problem which is facing the State of New Hampshire, i.e., the non public school assistance. This is why the Commission was created and this legislation is that result. Not once during our entire deliberations was there ever any mention of this new concept — this change to allow assistance to public schools who supply transportation. This bill is an emergency nature designed to solve a problem. We do have a problem and we must solve it. If we allow all the school districts to share in the transportation service, I don't know, but I think it will dilute to some degree the money that will go to them. If you have \$300,000 for transportation and there are thirty schools receiving it under our bill, they are going to get a lot more than if the schools participating come to a hundred. Overall, the school districts supporting the non public schools will get hurt. Because of this fact, I think it will minimize the non public school and because I

think it is an entirely different ballgame — something not intended to be discussed, I think that amendment should be defeated.

Sen. JACOBSON: I rise in opposition to the pending motion. I would like to take just a moment or two to explain. This particular section of the bill was originally put into the bill after a long discussion in the commission, and that discussion centered around the fact that these school districts would be eligible which would come under the intention of this legislation might possibly direct the entire amount towards transportation and forget about the other benefits of the original intention of this 30% restriction which was to go to school districts which would come under the possibilities of this bill, from spending their entire amount. Our intention was that 70% at least of the money appropriated would go to other child benefit services as listed on page 2 of the bill. I would agree with the Senator from the 8th District that the effect of this amendment would dilute the real intention of this bill, and that is to provide assistance in those areas which do have a heavy non public school enrollment compared to others so that the two points the commission was concerned about was first to prevent any school district from funneling the amount into transportation, and transportation only, and the second part was to get basic support to these child benefit services to those areas which are heavy in non public school enrollment.

Sen. CHANDLER: I wish to rise in support of the amendment offered by the Finance Committee, and I do so because I had some part in discussing them, and they seemed to me to be improvements in the legislation. In the matter of transportation, actually some of the school districts that have the largest amounts of non public school pupils, I think in the long run are much benefitted from this and will really get more from the 10% than they did from the 30%. Actually this share does not give any money to non public schools. They really don't except in case of dual enrollments. They will not be getting any money and therefore whether they stay in business or go out of business will not be affected by this legislation before us. Some of these schools are doomed. They need massive aid, much more than the pittance which might be gained under the dual enrollment. This will not save them. Where they have a large enrollment and if they phase out and the pupils join the public

school system, the 10% will be more than they would get under the 30% because they will have more pupils in the public school. If you enlarge the total cost — 10% of the total will become greater.

Sen. GILMAN: My thanks to the Senator from the 9th District. With respect to the arguments by Senators Jacobson and Spanos, I am in complete agreement. The point was made by the Finance Committee that this was a new concept. The point made was that this is a public law with regard to transportation of pupils. So, one school would be paid for complying with law, where another would not. The manner in which we handle this appropriation will not contribute measurably to whether a parochial school stays open or closes. Our real objective is to maintain a dual system, to bring them together and we didn't feel the 10% for the total or 30% was meaningful with respect to a school staying open. The figures that came to us of 30% was about \$450,000. I have been one of those who opposed the State subsidizing transportation, but I feel compelled to put forth reasons for bringing out the amendments in this fashion.

Sen. JACOBSON to Sen. Gilman: I am not quite sure what this 10% does. You say the total cost is  $4\frac{1}{2}$  million dollars and 10% is 450 thousand. Then this bill would provide support in the amount of 450 thousand dollars to all school districts?

Sen. GILMAN: In total.

Sen. JACOBSON: So that the conclusion of this is that every school district would get 10% support?

Sen. GILMAN: That is correct.

Sen. JACOBSON: So that the net effect if this amendment is adopted, is that there would only remain for child service a total of 250 thousand dollars?

Sen. GILMAN: Right.

The CHAIR: The Question is on the Adoption of II, Section 3 as offered by the Committee.

Sen. JACOBSON: (Speaking a second time.) Under the bill as established, the 30% formula — the \$210,000 would go to these school districts where there is a serious non public

school situation. If the amendment is adopted \$450,000 will go to transportation, or an increase of \$250,000. Our intention was to keep that transportation item down. If our formula is accepted this means under the 1 million 3 figure, they would receive 490 thousand dollars for all the other benefits which are listed on page 2. However, if the amendment is adopted they will only receive \$250,000 and this is quite contrary to the intent of the Commission.

The CHAIR: The Question is on the adoption of Sect. 3, II amendment, as offered by the Committee on Finance. The parliamentary situation is this: If you are in favor of II Section 3 of the amendment as offered by the Committee on Finance you will vote yes. If you are not in favor, you will vote no.

The Chair was in doubt and requested a division.

Eight voted yes, eleven no. Amendment not adopted.

Sen. GILMAN: This now reverts back to the provision in the bill that provides 30% of aid to the public schools.

The CHAIR: That is correct. The next item to be taken up under the division is Section 2, the amendment as proposed by the Committee on Finance which states — "Non public school study report, etc."

Sen. SPANOS: We favor the extension of the commission to study this problem. On the other hand, we also favor the amendment of the Office of Non Public School Coordination. How can we vote so that we can vote on these separately?

The CHAIR: The amendment as offered strikes out Section 2 of the bill and inserts in place thereof the provision for continuing the commission.

Sen. SPANOS: I rise in opposition to this amendment, and I must admit I was a little taken back when the Chairman of Finance said the Board of Education had no great desire or concern for this particular part of it, for it was largely through the State Board of Education that this development and long range plans will be made and technical assistance given. The Chairman who has been working with us has been Mr. Brunelle and he has done a great job. He has stated that his staff is not able to keep on top of this problem. It was suggested that this be incorporated in the bill and it was unanimous that this measure be made part of the bill. I don't believe the Study Com-



mission can handle this type of problem. We are a 15 man commission out in the boondocks, and to get them all together to decide an issue is quite a job. We need this office to do this job. I would like to see the Study Commission continued, but I would see this part left in the bill and develop programs to meet this problem. If we don't have this body studying this problem, we will end up in a hodge podge. I hope the Senate will not go along with this amendment.

Sen. SPANOS: Mr. President, the able Chair has suggested and I concur, that we support the amendment for the extension of the Commission to study the non public school problem, the amendment which is now currently before this body, and hopefully offer the amendment which will amend further the bill to create this office. I rise in support of the amendment hoping we will be allowed to reintroduce the amendment to reinstate.

Sen. JACOBSON: Based on that fine discourse, I will support the amendment. I do want to say about extending the life of the Commission. It has had a rather rocky road, and had it not been for the excellent work of Mrs. Nardi and Mr. Wechsler the whole commission would not have been held together and the whole project would have faltered. I hope if this passes and the life of the Commission is continued, we will have replacements on the Commission who are willing to serve as much as possible full time. It has no useful purpose whatsoever to have persons appointed who never show up, and therefore, it is with a certain amount of fear that I support this amendment. I have tried to do my job responsibly, and I hope those who succeed me will also.

Sen. GILMAN: I would like to see this matter resolved. I feel much more strongly opposed to creating an Office of Non Public School Coordination than the transportation feature. We recognize the work done by certain members of the Commission. It was felt that since this was a legislative committee it would be hard to bring it into statute law. I must express some admiration to the Committee and recognize the attendance of others has been deplorable. I greatly respect Mr. Brunelle. He is a highly dedicated public servant. He did state to us that there was no need for an office of non public coordination. They had the staff, the people and the resources and would continue in this area. The position of the Finance Committee, which I support, is that if you establish this office in this man-



ner, you will be establishing offices for each crisis. I think the work can be done by the Department of Education, and with their staffing with the hope there will be an improved commission.

Sen. CHANDLER: I too support the Committee amendment, and I urge the members of the Finance Committee to vote in favor of the amendment who voted in Executive Session, to vote also here on the floor.

The CHAIR: The question is on the adoption of the amendment as offered by the Committee on Finance insofar as it relates to Section 22.

The CHAIR: The ayes have it, and the section is adopted.

The CHAIR: The final question under the division requested is on the remainder of the amendment as offered by the Committee on Finance.

Sen. SPANOS: Wasn't I led to believe that I would be able to offer an amendment which would reinstate the office?

The CHAIR: After we have disposed of the amendment that is before us, this bill will be on second reading and subject to further amendment.

The CHAIR: The question now is on the remaining portion, as offered by the Committee on Finance.

The CHAIR: The ayes have it, and the remaining portion is adopted.

The CHAIR: The question now before the Senate is on the adoption of the amendment offered by Finance. This will be as printed with the exception of II of Section 3, which by previous vote has been deleted.

The CHAIR: The ayes have it. The amendment is adopted. This bill is now on second reading and open to amendment.

Sen. SPANOS: The language that I would like to offer is before you on Section 11 and 12 on SB 14. I move that the bill be amended so as to include 11 and 12 to put back the Office of Non Public School Coordination.

The CHAIR: The question is on the amendment as offered by Sen. Spanos to amend the bill to include the Office of Non Public School Coordination.

Sen. GILMAN: The vote the last time was on the continuing the life of the commission. Senators Spanos, Jacobson and I discussed it.

Sen. SPANOS: Originally, that is the way I was proceeding, but after I made my dissertation, I was called to the rostrum and we discussed perhaps it would be better to go along with the amendment and then offer a second amendment on the floor.

Sen. GILMAN: I am sure you are correct, but I also feel the discussion with respect to re-establishing the office of non public school coordination the vote was on that issue.

Sen. SPANOS: We did discuss it in that relation. I favor the study commission being continued, but I also said that I favored the establishment of the Coordination, and on that premise I would hope we could vote on it.

Sen. CHANDLER: I rise in opposition to the pending amendment. We on the Finance Committee thought these two paragraphs should be deleted so we would not be establishing a Board within the Department of Education. It was our feeling that we would continue the commission. If this motion passes, we will be continuing the commission and also establishing this department. It seems to me that if this department should be included in Education there would be no need for continuing the Commission. The supervision and the attention to the details of the program would be the responsibility of this group proposed by the Spanos amendment. If they were doing their duty, there would be no need to continue the Commission. This is expanding a bureau that doesn't seem to be in the best interests of the problem.

The CHAIR: The Chair will state that the amendment proposed by Sen. Spanos would have to include Sects. 11 and 12 of the bill as printed. It had been the intention of the Chair to allow a diversion from our normal practice allowing the amendment not to be printed. It now appears that this amendment is more complex, and for that reason we will recess and have the amendment properly drafted so that all members of the Senate will know what they are voting on.

Sen. GILMAN: Before the recess, do I understand this would preclude redrafting these amendments?

The CHAIR: For the orderly conduct of the Senate we have always gone by the theory that it should be in writing. We were attempting to do it without but it now seems we should have a printed amendment rather than someone's interpretation. May we have a minute recess to establish exactly what will transpire.

### RECESS

Sen. Spanos offered an amendment which was defeated by Division vote of 7 voting yes, and 10 voting no.

Sen. Chandler moved the bill be laid on the table. Defeated.

Sen. Chandler moved the bill be indefinitely postponed, and spoke in support.

Sen. SPANOS of Sen. Gilman: Is it your understanding that if this measure becomes effective upon passage, that those school districts *currently* embarked on dual enrollment plans, child benefit service and supplying transportation, that they will be able to apply for reimbursement from the funds hereby appropriated?

Sen. GILMAN: It is my understanding that such school districts would not be so precluded by reason of the effective date of this act.

(Discussion)

Motion of Sen. Chandler to indefinitely postpone was defeated.

Ordered to third reading.

Sen. GILMAN: I ask unanimous consent of the Senate for remarks with respect to SB 14. It is exhausting to go through this bill and I want to say that the activities of the Commission that devised this plan deserve the thanks and credit of us all. I want the record to show that Sen. Jacobson and others worked diligently on this and it is unfortunate that when we establish these Commissions, that those who have agreed to serve, do not make a contribution.

### SB 19

transferring the office of planning and research to the office of the Governor. Pass with amendment. Sen. Gilman for Finance.

Amend RSA 4:12-c as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

4:12-c Supervision and Duties. The office of state planning shall be under the supervision and direction of the governor or his designee. In addition to such other duties as the governor may assign, the office of state planning shall acquire and maintain a current record of all large subdivision developments in the state and keep the governor aware of all such activity and proposed actions.

Sen. GILMAN: The position the Finance Committee took on this bill was that if we are going to transfer planning, if we are going to transfer functions, the proper course would be to transfer the entire function, and not to leave parts of the function back in another Department. We could envision if this were followed, we could envision that there would be two planning agencies. That there would be a two-headed bureaucracy. So the position the Finance Committee took was that the wise and prudent course was to transfer the Division in its entirety into the Governor's office. The only other action the Finance Committee took was to direct that this office of Planning should pay some attention promptly to the development of large-scale developments. Our attention was called to an article in the Boston Globe of Sunday which referred to developments on 5200 acres in Warren, Piermont and that section which I have logged personally and know and we felt that immediate attention should be given to this particular area. So the Committee's position was that this should be written into the law that we should move the entire Department and not try to have a dual functioning office.

Amendment adopted. Ordered to third reading.

## SB 23

increasing the appropriation for the southwestern state park, extending the time for the expenditures of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. Pass with amendment. Sen. Gilman for Finance.

Amend the footnote to section 1 of the bill by inserting after the word "Washington" the following (The expenditure of said funds shall be made by the department of

public works in consultation with the division of parks in the department of resources and economic development) so that said footnote shall read as follows:

\* 170,000 of these funds may be used to develop plans and engineering for a new summit building on Mt. Washington. The expenditure of said funds shall be made by the department of public works in consultation with the division of parks in the department of resources and economic development.

Sen. GILMAN: SB 23 was accepted from Public Works Committee. We did direct that the funds that are allocated for the Mt. Washington planning and construction should be spent under the direction of the Public Works Division. It was our feeling that this is the function of this Dept. within our State Dept. and that the responsibility should rest with the Dept. for the planning and development of Mt. Washington facility. I should point out that there is another half million dollars which were previously held for Winnepesaukee State Park and also funds held for Pawtuckaway. We are decreasing the bond issue by some 55 thousand dollars. We have allocated funds within this total bond issue for the improvement of the Robert Frost homestead. Our only change was that the funds for Mt. Washington be expended by the Public Works Division.

Amendment adopted. Ordered to third reading.

### SB 36

authorizing the issuance of motor vehicle registration plates of whatever duration the Director provides. Pass with amendment. Sen. Gilman for Finance.

Amend the bill by striking out sections 4, 5 and 6 and renumbering sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 inclusive to read

4	5	6	7	8	9
10	11	12	13	14	15
				16.	

Further amend the bill by striking out all after newly renumbered section 10 and inserting in place thereof the following new sections:

11 Appropriation, Commissioner of Safety 1970. Amend 1969, 367:4 in the appropriation for department of safety, office of commissioner, other personal services by

striking out the line "Permanent 85,826" and inserting in place thereof the following: (Permanent 98,826), by striking out the line "Total \$126,772" and inserting in place thereof the following: (Total \$139,772), by striking out the line "Total for office of commissioner \$296,749" and inserting in place thereof the following: (Total for office of commissioner \$309,749), by striking out the line "Less transfer from highway fund 282,162" and inserting in place thereof the following: (Less transfer from highway fund 294,512) and by striking out the line "Net appropriation for office of commissioner \$14,587" and inserting in place thereof the following: (Net appropriation for office of commissioner \$15,237).

12 Appropriation, Commissioner of Safety 1971. Amend 1969, 368:4 in the appropriation for department of safety, office of the commissioner, other personal services by striking out the line "Permanent 87,835" and inserting in place thereof the following: (Permanent 100,835), by striking out the line "Total \$126,495" and inserting in place thereof the following: (Total \$139,495), by striking out the line "Total for office of commissioner \$242,842" and inserting in place thereof the following: (Total for office of commissioner \$255,842), by striking out the line "Less transfer from highway fund 230,950" and inserting in place thereof the following: (Less transfer from highway fund 243,300) and by striking out the line "Net appropriation for office of commissioner \$11,892" and inserting in place thereof the following: (Net appropriation for office of commissioner \$12,542).

13 Appropriation, Division of Motor Vehicles 1970. Amend 1969, 367:4 in the appropriation for the department of safety, division of motor vehicles, administration, other personal services by striking out the line "Permanent 264,855" and inserting in place thereof the following: (Permanent 277,855), by striking out the line "Total

\$658,595" and inserting in place thereof the following: (Total \$671,595), by striking out the line "Total for division of motor vehicles \$772,100" and inserting in place thereof the following: (Total for division of mo-

tor vehicles \$785,100) and by striking out the line "Less transfer from highway funds 772,100" and inserting in place thereof the following: (Less transfer from highway funds 785,100).

14 Appropriation, Division of Motor Vehicles 1971: Amend 1969, 368:4 in the appropriation for the department of safety, division of motor vehicles, administration, other personal services by striking out the line "Permanent 267,654" and inserting in place thereof the following: (Permanent 280,654), by striking out the line "Total

\$661,103" and inserting in place thereof the following: (Total \$674,103), by striking out the line "Total for division of motor vehicles \$777,163" and inserting in place thereof the following: (Total for division of motor vehicles \$790,163) and by striking out the line "Less transfer from highway funds 777,163" and inserting in place thereof the following: (Less transfer from highway funds 790,163).

15 Appropriation, Division of Safety Services 1971. Amend 1969, 368:4 in the appropriation for department of safety, division of safety services, other personal services by striking out the line "Permanent 177,177" and inserting in place thereof the following: (Permanent 164,177), by striking out the line "Total \$442,394" and inserting in place thereof the following: (Total \$429,394), by striking out the line "Less transfer from highway fund 287,556" and inserting in place thereof the following: (Less transfer from highway fund 279,106) and by striking out the line "Net appropriation for division of safety services 154,838" and inserting in place thereof the following: (Net appropriation for division of safety services 150,288).

16 Appropriation, Safety and Driver Education, Board of Education, Amend 1969, 368:4 by striking out the appropriation for safety and driver education in the appropriation for board of education and inserting in place thereof the following:

For safety and driver education:

Personal services:

Permanent

\$18,980



Current expenses	1,000
Equipment	200
Travel:	
In state	1,000
Out of state	300
Other expenditures:	
Oasi, retirement, insurance	1,257
Curriculum development, conferences and workshops	1,000
Total	<hr/> \$23,737
Less transfer from department of safety, initial plate fund	11,868
Less estimated federal funds	11,869
Net appropriation	<hr/> 0

17 Effective Date. This act shall take effect upon its passage.

Sen. GILMAN: This bill also was referred to us by Public Works. It involves substantial internal changes within the Dept. of Motor Vehicles. The position that the Committee took was that these changes seemed to be reasonable. The Commissioner shall have the authority to issue plates exceeding beyond one year. There is a savings involved. Also, the office of Driver Education shall have more emphasis within the Dept. of Education. Also, included a higher budget allowance for this office.

Sen. Mason offered an amendment (which was not adopted.)

Sen. MASON: It is a short one page amendment relative to the distribution of fees under the skimobile registration law; Chapter 488 which was enacted last session. There are 4 classes of registration set up. Resident registration has a fee of \$9. Non-resident fee, \$9. Dealer registration fee of \$10. Then there is a \$2 fee for transfer registration from one machine to another machine. The resident registration of \$9 is divided. \$4 goes into the Fish & Game fund and \$5 goes into the general fund.

There are approximately 17,000 units that meet this resident registration situation that would register in the present fiscal



year in the State of New Hampshire, with \$4 from each of these going into the general fund. My amendment would take the \$4 from the resident machine registration and the \$9 from the non-resident machine registration and divert it from the general funds into the Res. & Rec. budget with a mandate that this money be used for the construction and maintenance and land acquisition for the multiple use of trails for skimobiles and to be used for horseback riding, bird watching, and this type of thing.

I know that there is a tremendous effort underfoot here in this State where people and Dept. heads working with the budget for next year, are putting in figures of 100 and 200 thousand dollars to do the same thing that this amendment would accomplish. I am very much in favor of this skimobile money, the income from this money, being used for the purpose to expand its own program. We are doing this right now with the outboard motor registration.

Once the overhead administrative costs are paid for, all of the outboard motor registration money is returned in useful navigational work on our lakes and rivers. I think the same should hold true with snowmobiles. I think that the money that is coming in from snowmobiles should be spent on snowmobile expansion in this State.

New Hampshire is in the distinct position of having the highest concentration of registered snowmobile units of any State in America. We have a tremendous problem with the influx of these units on private-owned land. The opponents of these machines are trying to organize a system of trails. Our State Parks are not large enough to accommodate the system of trails. Nobody wants to run around on Bear Brook Park's 6 or 7 thousand acres, or the 150 miles of trails within the confines of Bear Brook Park. They want lengthy trails. Other States are in the throes of an expansion program. In some States, it is being done by private clubs. In some areas, it is being done by State agencies.

The Governor of this State has set up a Skimobile Committee to study the problem and to bring the recommendation of this Committee to the Governor. I happen to be a member of the Committee, and we have undertaken as one of our first jobs, the establishment of two 75 mile trails. Gentlemen, this is the way to fund it without injury to the general fund to too big

a degree. There is a chance that this \$5 and this \$9, in moving into this area, would be eligible to be matched by federal funds, thereby, giving us some double duty dollars. The demand between our registrations of one year ago, of about 8 thousand or 82 hundred, to better than 17 thousand — none of us know what the growth rate will be this coming year. It is anticipated that we will have somewhere between 25 and 30 thousand units.

Believe me, gentlemen, I have worked with this landowner problem for many years. The problem is intense and it is going to get worse. Unless we take the bull by the horns and control this growth and direct it in a way that will be acceptable to the public, we are going to have one heck of a mess on our hands. If we fail to act on this measure now, I know that it is going to be before the next regular session. If it is defeated in the next session, it will be 5 years before we have an adequate trail system.

I think in looking at the growth of these snowmobile units, I think there is a tremendous economic impact in this State and it would be beneficial to this State if we set up guidelines and tried to improve our program and enhance the program — I am sure you are going to see this snowmobile business return more money into our coffers than what the ski industry is doing now. I urge your support.

Sen. CLAVEAU: Why wasn't this amendment offered to Public Works Committee?

Sen. MASON: This amendment was presented, and our Chairman requested I present this amendment to the Finance Committee.

Sen. CLAVEAU: I hate to see these amendments coming in at the 11th hour. I believe that they should have been brought before our Committee. I am not in favor of this type of amendment at the last minute.

Sen. CHANDLER: As far as the Finance Committee is concerned, I cannot speak for the Chairman, but this amendment was presented to us at a kind of hearing we had and it was explained in great depth by its proponent. After he left, we gave it reasonable amount of discussion and it was the judgment that we not adopt the amendment.

Amendment not adopted.

Ordered to third reading.

**SB 7**

ratifying the compact for education, and making an appropriation therefor. Ought to pass. Sen. Gilman for Finance.

Sen. GILMAN: This bill refers to a compact between the States on Educational Planning, etc. It is a compact which New Hampshire has been a part of since its founding. This appropriates the money to pay our dues — in the amount of \$8,000.

Ordered to third reading.

**SB 24**

reducing the appropriation for a data processing building, providing for the lease of additional office space and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing. Ought to pass. Sen. Gilman for Finance.

Sen. GILMAN: This bill again was referred to us from Public Works Committee. You will recall that last year we appropriated within the capital budget some 800 thousand dollars to build a data processing building. The Data Processing Commission in going into this matter found that they could not erect a building to serve the purposes of the Data Processing Dept. within these funds. They, therefore, originally proposed that additional funds be carried out in the bond issue to permit them to build a building adequate. Upon learning that property within Concord might be available that would be suitable, the Commission reviewed this matter and determined that they would defer plans for construction of a building for Data Processing for some 3 years. In so doing, they are reducing the capital bond expense by some 465 thousand dollars. In lieu of that, however, the Data Processing Commission will be required to obtain space as it has been determined that space is available in Concord and this space will serve as headquarters for the Data Processing Commission, that it will also permit us to bring other agencies which are now located throughout the city into this building and will, in effect, save money in that respect. The bill carries an appropriation of 180 thousand dollars. Now, the Finance Committee, in checking this out, found that the savings would actually be almost to that amount. We would save the interest on the bond issue, we would save the 14 thousand dollars which the Data Processing Commission is presently paying now for rent. We would also pick up in some

other areas rent from Depts. which are renting private space. The bill also proposed that the 300 thousand that has been allocated for renovation for the postoffice building be frozen. That the funds allocated to current expense and personal services for the postoffice be frozen. So there is 340 thousand dollars there that will be saved. The bill also provides that there will be a Committee established that will continue to look into our space requirements, and I think this is most urgent. There was one position that the Committee took that the Committee should include a member of the Concord Capital Government Center Planning Commission and I feel sure this will be done in the House. The bill also modifies certain provisions of the law with respect to certain management employees in the Data Processing Commission. In the circumstances, while there is an appropriation in the amount of 180 thousand dollars, we think that in the long run, that saving will accrue to the State by at least in this amount.

Ordered to third reading.

#### SPECIAL ORDER AT 1:01

The Chair called for the Special Order, being:

#### **SB 34**

relative to the salaries of the justice and clerks of the Manchester district court.

Question being on adoption of amendment offered by Judiciary Committee.

Sen. Bourque moved that the amendment presently in the hands of the Clerk be substituted for the previous amendment of the Judiciary Committee, and spoke in support.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### AN ACT

relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Maximum Salary. Amend RSA 502-A:6, I (supp) as inserted by 1963, 331:1 and amended by 1967, 438:1 and 1969, 124:5 by striking out in line fourteen the words "nineteen thousand" and inserting in place thereof the words (twenty-one thousand) so that said paragraph as amended shall read as follows: I. Salaries of Justices. The cities and towns in which the district courts are regularly located shall annually appropriate and pay the justices of the district courts salaries computed in the following manner: for the first fifteen hundred cases, three hundred and fifty dollars for each one hundred cases or fraction thereof; for the next one thousand cases, three hundred dollars for each one hundred cases or fraction thereof; and for all cases over twenty-five hundred, one hundred and fifty dollars for each one hundred cases or fraction thereof provided that the sum of five hundred dollars shall be added to the salary of each justice of a district court which has exclusive civil jurisdiction in cases where the damages do not exceed five hundred dollars. No justice shall be paid a salary less than a sum equal to one hundred and eighty dollars for each thousand persons residing in the district, as reported in the last federal census, and no justice shall receive a salary greater than twenty-one thousand dollars a year. The total cases reported annually from each district court to the judicial council shall be used in the computation of the salary of each justice as provided herein. The administrative committee of the district and municipal courts shall compute the salaries as provided in this section and shall annually, in November, notify the local governing body of each city or town in which each district court is regularly located the amount to be paid the justice, special justice and clerk for the next calendar year.

2 Salary, Associated Justice. Amend RSA 502-A:6, I-a (supp) as inserted by 1969, 124:3 by striking out said paragraph and inserting in place thereof the following: I-a Salary of Associated Justice, Manchester District Court. The annual salary of the associate justice of the Manchester district court shall be an amount one thousand dollars less than the amount paid the justice as provided in paragraph I.

3 Distribution of Court Reports. Amend RSA 505:11 by inserting in line three after the word "shall" the words (unless otherwise directed by the chief justice of the supreme court) so that said section as amended shall read as follows: 505:11 Distribution of Court Reports. He shall deliver to the secretary of state four hundred copies of each volume of said reports upon publication, and the secretary shall unless otherwise directed by the chief justice of the supreme court send one copy thereof to each of the following officers and bodies: Justice and clerks of the supreme and superior courts, to the office of register of probate in each county, state reporter, each free public library established under the laws of the state meeting the regulations of the state library of the state library commission, the department of justice, clerk of the supreme court of the U. S. library of congress at Washington, the judge and clerk of the district court of the U. S. for the district of New Hampshire, and the state library of each state of the United States with which the New Hampshire state library maintains an exchange agreement covering court reports. The residue may be drawn upon by the state library for its own use or for additional exchange agreements. The state library may recover all sets and/or partial sets of court reports located within those towns which do not meet the regulations of the state library commission. It may establish full sets in public libraries open daily agreeing to make them available to all the people in the geographic area. The reclaimed sets shall be placed in the stock held by the secretary of state.

4 Distribution of Revised Statutes Annotated. Amend RSA 20:16 (supp) as inserted by 1955, 231:3 by inserting in line three after the word "manner" the words (Unless otherwise directed by the chief justice of the supreme court) so that said section as amended shall read as follows: 20:16 Distribution of Revised Statutes Annotated. The secretary of state is hereby authorized to distribute official bound copies of the Revised Statutes Annotated free of charge in the following manner. Unless otherwise directed by the chief justice of the supreme court, one copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire Revision Commis-

sion, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, the state reporter, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of the Revised Statutes Annotated, the secretary of state, the state treasurer, the comptroller and seven copies to the office of the attorney general.

5 Effective Date. This act shall take effect June 1, 1970.

(Discussion)

Sen. FERDINANDO: I move that SB 34 be indefinitely postponed. I agree with what Sen. Bourque has said. They are two fine Judges, but the people of Manchester cannot afford these increases at this time. Those Judges sought these positions at the existing salaries. The workload has been divided so that there are now two Judges to do the work of what one Judge had been doing. I think good government is like running a good business. I cannot see doing this at this time. These Judges have only held these jobs a short time. After these Judges have spent some time on the job, it might be well to sponsor such a bill in the next session.

Sen. CHANDLER: I support the motion to indefinitely postpone. I do so with all deference to my colleague from Manchester for whom I have respect and admiration. I think he realized that the original bill that was introduced was a little bit out of line and I have a feeling even in the amended form, it is a matter of no great emergency. It was not necessary to bring it before the special session. It could have waited. As Sen. Ferdinando has said, the two Judges have held the jobs only a very short time. I understand that it was presented to the House Rules Committee quite a while ago. It must have been at least a month ago. That would make the time even closer to the time



that they received their appointments; almost as soon as they were appointed. The amendment now is not as great an increase. I understand that the House Rules Committee turned it down as they figured it could come in at the next regular session. The sponsor who was going to sponsor the bill in the House was unable to do so, so he prevailed upon Sen. Bourque to sponsor it in the Senate Rules Committee. It was allowed to come in. When we woke up to what it was, I had a change of heart and thought it should not be allowed to come in. I believe this bill should be killed right now. It can be brought up at the next session.

Sen. LAMONTAGNE: I rise in opposition to the pending motion. I personally feel if this bill is passed in the Senate, it will go to the Manchester Delegation for consideration in the House. In referring this bill to them, it would have a better chance for consideration.

On motion, the Chair was in doubt and requested a Division.

Eight voted yes. Eight voted no. Motion lost.

Sen. Bourque's motion to substitute adopted.

Ordered to third reading, Sen. Ferdinando requested a Division.

Eight voted yes. Eight voted no.

Sen. Ferdinando demanded a Roll Call.

The following voted yes: Lamontagne, Gardner, Spanos, Bourque, Mason, Marcotte, Claveau and Foley.

The following voted no: Mitchell, Gilman, Townsend, Jacobson, Chandler, Porter, Ferdinando, Tufts.

The CHAIR voted yes.

Nine in favor. Eight opposed. Motion carried and bill ordered to third reading.

#### COMMITTEE REPORT ON ENROLLED BILLS

HJR 4, Joint Resolution naming the David Wayne Hildreth Dam. Paul E. Provost for Committee.

Accepted.



Sen. Spanos moved the Senate go into the late session and when it adjourns, it adjourn with the fervent hope and prayer that the Apollo 13 Astronauts return to earth safely.

### LATE SESSION

#### Third reading & final passage of bills

SB 6, relative to the real estate commission and making an appropriation therefor.

SB 37, relative to fees for medical referees.

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school.

SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments.

SB 27, relative to the air pollution commission.

SB 31, relative to the purchase, sale and transportation of explosives and making an appropriation therefor.

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above.

Sen. Spanos moved reconsideration. Motion lost.

SB 19, transferring the office of planning and research to the office of the Governor.

Sen. Gilman moved reconsideration and yielded to Sen. Jacobson.

Sen. JACOBSON: I would like to support the move for reconsideration so that we would have an opportunity to bring

back the amendment that was originally deleted by the Finance Committee. I have here a copy of a letter addressed to Sen. Gilman as Chairman of the Senate Finance Committee in which it gives very clear support for the amendment as put on the bill by the Executive Depts. Committee. I would like to express a concern with respect to these deletions in the Finance Committee that have once been adopted by Committee Report and adopted again by the Senate. It seems to me that this creates, at least for me, a very serious problem.

Sen. GILMAN: I urge the members to vote "no" on the reconsideration motion. I felt obliged to listen to what Sen. Jacobson had to say and to offer these comments in response. I am not sure that you were in the Chamber at the time, but I did make the point that the Finance Committee looked upon the dual planning function as being imprudent and unwise. We felt that this would lead to an elaboration of the planning function in one area and the elaboration of the planning function under the Executive. In these circumstances, we felt there was no other wise course but to exclude the one planning office. The remaining planning office is left in DRED. We of course had the letter. The Commissioner came in and testified to us and our position remained that it was unwise to have two planning functions in two separate areas. In those circumstances, we felt that we would support the position of moving the planning to the Governor's office, but change the aspect which would retain some of the planning functions in DRED. There wasn't anything arbitrary or capricious. It was the decision made by the Committee within the area, I think, of finance.

Sen. CHANDLER: I do not like to go against my own Committee and I did not file any Minority report, but during the discussion on this bill I felt inclined to ask the opinion of Commissioner Crowley that two of these men be retained in his office to perform the functions that he thought he needed them for. I felt that way based on what Commissioner Crowley told us. I was out-voted, but I did not file a Minority report.

Sen. Gilman urged the members to vote no on reconsideration.

Sen. Jacobson requested a Division.

Six voted yes. Eight voted no. Motion lost.

SB 23, increasing the appropriation for the southwestern state park, extending the time for the expenditures of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead.

SB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the Director provides.

SB 7, ratifying the compact for education, and making an appropriation therefor.

SB 24, reducing the appropriation for a data processing building, providing for the lease of additional office space and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing.

SB 34, relative to the salaries of the justices and clerks of Manchester district court and relative to the distribution of reports of the Supreme Court and Revised Statutes Annotated.

Sen. Mason moved reconsideration of vote on above bill. Motion lost.

Sen. Koromilas moved adjournment at 8:10 p.m.

---

*Wednesday*

*15 Apr 70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

ALMIGHTY GOD, the Giver and Lord of life; we bless and praise Thee for Thy merciful keeping and gracious care, for all the gifts of Thy providence and grace, and for all the blessings bestowed upon us. We thank Thee for the faith which sustains us, the consolations which soothe us, the hopes which inspire us, and the light by which we daily walk. Mindful of the plight of the Apollo 13 crew, we marvel at the ingenuity and resourceful endeavors employed in their behalf, we praise their courage and faith, and lift our prayers with others for their safe return. Amen.

Sen. Porter led Pledge of Allegiance.

## HOUSE MESSAGE

First, second reading &amp; reference

HJR 1, appropriating funds to convert the heating system at the state prison to oil. To Finance.

HJR 3, appropriating additional funds for the interest and dividends tax division of the state tax commission. To Finance.

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor. To Executive Depts.

HB 6, providing for consumer protection and making an appropriation therefor. To Executive Depts.

HB 10, increasing the appropriation for the New England board of higher education for the fiscal year ending June 30, 1971. To Finance.

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. To Executive Depts.

HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor. To Public Works.

HB 23, relative to the control of algae and other aquatic nuisances. To Finance.

HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education. To Finance.

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse. To Judiciary.

HB 38, abolishing certain classified positions and lapsing appropriations into the general fund. To Finance.

HB 39, providing for full disclosure in land sales and making an appropriation therefor. To Judiciary.

HB 41, imposing a tax on certain incomes and making an appropriation therefor. To Ways & Means.

HB 50, relative to the firemen's retirement system. To Finance.

HB 51, making supplemental appropriations for the expense of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971. To Finance.

HB 53, relative to sick leave for employees of the city of Manchester. To Special Committee consisting of the four Manchester Senators.

HB 55, relative to tax exemption for Nutfield Heights Inc., a community housing project for elderly persons. To Executive Depts.

HB 32, providing for a board of registrars for the city of Nashua. To Special Committee consisting of Sens. Porter and Leonard.

HB 28, providing for medical facilities at the state industrial school and making appropriation therefor. To public Health.

## COMMITTEE REPORTS

### HB 21

relative to out-of-state tuition charges at the University of New Hampshire. Ought to pass. Sen. Gilman for Finance.

Sen. GILMAN: The budget bill as passed last session carried a provision that out-of-state students bear the cost of amortizing debt service at the different State Colleges and the University. The Trustees will, of course, comply with this. However, compliance would make it necessary to have different tuition rates at Keene and Plymouth.

It has been the policy of the Trustees that the tuition rate should be the same for both, so we will have no disparity and no question about one being an approved or a better institution. If we do it to comply with the provisions of the budget as passed in the last session, we would have to charge different tuition rates at the two institutions. The Trustees are willing to carry a total rate, divided equally between the two schools that would permit compliance with the intent of this footnote in the budget. However, it is now law that we would do it, so we have different tuition rates and that isn't a good idea. Therefore, this would permit the Trustees to set the tuition rates equal at Plymouth and Keene, but they would be set so as to have out-of-town students amortizing the full cost of our capital expense. Out of courtesy to Sen. Bradshaw, who is not present, I would

ask that this be made a Special Order for tomorrow. However, as I can't make this motion, I will ask Sen. Townsend to so move.

Sen. Townsend moved that further consideration of HB 21 be made Special Order of Business for tomorrow at 1:01 p.m.

Adopted.

### HB 31

relative to the Industrial Development Authority. Ought to pass. Sen. Gilman for Finance

Sen. GILMAN: This bill expands somewhat the authority of the Industrial Park Commission in the matter of increasing the amount that they can issue in the form of bonds. It would also permit them to take into consideration an airport facility and the access roads in leading to it as part of that which could be bondable. This applies particularly to Grenier Field and Londonderry, N. H. which is the owner of a very sizeable portion of Grenier Field where the city of Manchester has developed quite an extensive Industrial Park but there is no reasonable access from Londonderry and under provisions of this bill they would be permitted to have the authority to include in its bond issue access roads.

Sen. JACOBSON: Does this still include also the prospect of utilizing potential revenue as collateral?

Sen. GILMAN: I believe it does, Senator.

Sen. JACOBSON: Well, now in HB 932, remember that one, having to do with the Industrial Park Authority which has come under the title of TEPCO. Does it do the same thing as HB 932?

Sen. GILMAN: My understanding is this provision in the law permits the issuance of revenue bonds. However, I'll have this checked out.

Sen. JACOBSON: My question is the utilization of potential revenue from income as the direct result of the erection of buildings, etc. and using it as collateral, not the revenue that you receive from the bonds.

Sen. GILMAN: You mean not the revenue received from the investment into which the bond grows?

Sen. JACOBSON: Right.

Sen. GILMAN: I frankly am not sure. But if you wish, we can take a few moments and check it out. This bill was before us last year and

Sen. JACOBSON: May we have a minute Recess to check on this?

(Recess)

Sen. GILMAN: Sen. Jacobson has raised a very legitimate question. It does not appear from our somewhat superficial examination of the bill that the matter to which you alluded is present. So, therefore, we abide by our motion ought to pass and it will be checked more thoroughly in the interim and if necessary, I will move to reconsider tomorrow.

Ordered to third reading.

#### HB 34

to enlarge the authority of the New Hampshire Higher Education Building Corporation. Ought to pass. Sen. Gilman for Finance.

Sen. CHANDLER: Last session of the Legislature, we created a New Hampshire Higher Education Corporation and this bill simply adds to the authority that it has to raise funds for the construction of higher education corporation buildings. This is a 16 page bill and all it does it to make it possible for this same corporation to help finance hospitals in addition to schools by tax free bonds.

Ordered to third reading.

The Chair recognized Sen. Jacobson under personal privilege.

Sen. JACOBSON: Mr. President, I rise to protest the visceral attack on the intellectual community during the debate in the House on HB 1. Such an attempt to denigrate the integrity of one segment of our social arrangement serves only to further fracture our society. I would remind you that the foundations of our constitutional form of government were developed by serious intellectuals of their time. Madison, Jefferson, Adams, along with others, were disciplined intellectuals who saw the public need and did their duty. Such has been the character of the academic community in multiple human con-



sensus even to this moment in history. Though the scholarly community, like other groups, has its share of failings, its record of accomplishments in the interest of the people serves as sufficient credentials in testimony of its viability.

As you all know, I am a very minor member of the academic community. As a member of the Senate, I have tried to serve the public in a responsible way. I've even tried to do this with only the most occasional temerity. With respect to the specific situation when responsible economists attempt to forecast, they are dealing with very complex equations wherein each factor has a differing degree of volatility and controlability. While every attempt is made to be precise, the interjection of human factors considerably reduces effective precision. In this context, I would quote President Adams: "Prophecies are the most airy, visionary things, in nature." I might just add that a 25% error in economic interpretation is entirely possible and still responsible. In my view, the speech last week was in very poor taste. Its appeal raised emotions that are better allayed than aroused. I believe in debate couched in strictly rational terms without the upheaval of raw emotionalism. Important issues are sufficiently emotionally charged even in the context of rational discussion that to add negative or derogatory emotions turns rightful debate into unworthy harangue. Such a character ought not to be part of our legislative processes.

Sen. Spanos moved the Senate go into the late session, and when it adjourns, it adjourn in honor and in tribute to the Ivory Tower academic community.

### LATE SESSION

#### Third reading & final passage of bills

HB 31, relative to the Industrial Development Authority.

HB 34, to enlarge the authority of the New Hampshire Higher Educational Building Corporation.

### JOURNAL CORRECTION

The following amendment to SB 31 was adopted in the session of April 14th:

Amend RSA 158:9-a as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:



III. Notwithstanding the provisions of paragraph I, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may transport the same in the course of his employment if the employer has obtained a license in its name as provided in RSA 158:9-b.

IV. Notwithstanding the provisions of paragraph II, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may purchase the same in the name of his employer if said employer has obtained a license in its name as provided in RSA 158:9-b. In such case, the seller shall record the name, address and license number of the employer, the name and address of the employee, the date of the sale, the type and quantity of explosive, the serial number of the explosive sold, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

Further amend RSA 158:9-a as amended by section 1 of the bill by renumbering the original paragraph III to read V.

Sen. English moved adjournment at 1:55 p.m.

---

*Thursday*

*16Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

O GOD, by whom the meek are guided in judgment, and light riseth up in darkness for the godly: grant us, in all our doubts and uncertainties, the grace to ask what Thou wouldst have us to do: that the Spirit of Wisdom may save us from false choices, and that in Thy light we may see light and in Thy straight path we may not stumble.

In these critical hours, faced with the challenges of doing their best, may Thy light shine upon those entrusted with the

responsibility to bring the APOLLO 13 crew home safely. And, as we are called upon to do our best for our "Granite State" and her citizens, may we not stumble because of fear or weaken because of adversity. Grant us Thy blessing and watch over us while we are absent from one another. Amen.

Sen. Claveau led Pledge of Allegiance.

### RESOLUTION

Sen. Foley offered Resolution extending congratulations to the Clipper Band of Portsmouth High School in representing Portsmouth in Washington at the Cherry Blossom Festival and director William Elwell and assistance of Mr. Warren Muchmore. Adopted.

### HOUSE MESSAGE

Concurrence and request concurrence in amendment

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### An Act

relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Persons Liable. Amend RSA 72:1 (supp) as amended by 1967, 206:1 by striking out the same and inserting in place thereof the following: 72:1 Persons Liable. A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to sixty-eight years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars, conflicts or armed conflicts as defined in sections 28 and 32 of this chapter, and others exempt by special provisions of law.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. LEONARD: I move the Senate nonconcur and request a Committee of Conference. We passed this bill, I believe, a week ago. The bill reduced the age limit for paying poll tax from 70 to 68 and added \$1 to make the tax \$3 instead of \$2.

Adopted. The Chair appointed Sens. Jacobson and Claveau.

### HOUSE MESSAGE

HCR 5, in favor of the accelerated improvement of Route 16.

The action of the Governor in initiating a feasibility study of the extension of the Spaulding Turnpike northward along Route 16 is commended and the Commissioner of Public Works and Highways is urged to implement the Governor's instruction as expeditiously as possible in accordance with Chapter 256:1 (K), (L) and (M) of the R.S.A. The results of the study thus provided shall be filed with the Secretary of State prior to convening of the 1971 Session of the General Court.

The House and Senate recognize the economic importance to the State's northern and eastern communities of accelerating the construction of Route 16 to higher standards. A northerly extension of the Spaulding Turnpike to the extent found feasible by the study hereinbefore mentioned appears to afford the earliest and most logical means of accomplishing such acceleration.

The Chair referred to Public Works & Transportation.

The CHAIR: Unless the Chair hears an objection, he will call for the Special Order of Business for 1:01. No objection.

### SPECIAL ORDER OF BUSINESS FOR 1:01

HB 21, relative to out-of-state tuition charges at the University of New Hampshire. Ought to pass. Sen. Gilman.

The CHAIR: Sen. Gilman gave a full explanation yesterday, so perhaps it does not need to be repeated.

Sen. BRADSHAW: I simply have some comments that I would like to make. I rise in support of the Committee Report, but I do feel that the Senate should be aware of a little confu-

sion that arose in Keene over a machine process technical course in that last year at the regular session, the justification for Keene getting more money than Plymouth was that the Keene State College provides machine courses of one type or another. They have various courses for the training of operators, courses for training supervisors, etc. The money was restricted to the Keene budget for this purpose, or last, it was my understanding that this is what the money was to be used for. Along about December of last year, a Dean of the College took it upon himself to write a letter to local industries stating that because of the failure of the Legislature to appropriate the money, they were going to have to stop these various programs. It was further asked that members of the local industry attend a meeting and come prepared to make a pledge. Personally, I felt that this was the wrong way for this subject to be approached. They got the members of local industries to come through, and I would also like to say that the local industries did donate, and from that point, they got local industries to make commitments to maintain these particular courses. It is desperately needed in this area. I rise simply to express my dissatisfaction with the way that the College administration approached this project. They had the money to use, they didn't use it. I think that this tends to convince me of the necessity and the justification for the Legislature to have the opportunity to see at last a line item budget for the University system.

Sen. GILMAN: I rise in support of the Committee Report. I only want to comment on Sen. Bradshaw's reference to the support of the local industry people in Keene. It has been outstanding. They too feel that it is an important program.

Ordered to third reading.

### CORRECTION IN THE JOURNAL

Sen. GILMAN: I move that the senate journal of April 14 be corrected as follows: That the amendment as printed on page 167 to senate bill 19, an act transferring the office of planning and research to the office of the governor be struck out and the following amendment be inserted in place thereof.

Amend RSA 4:12-b as inserted by section 1 of the bill by striking out in lines 5, 6 and 7 the words "except the two resources planners presently assigned to the planning

office and their attendant powers, functions, duties, records and property" so that said section as amended shall read as follows:

4:12-b Office of State Planning. The office of planning and research of the division of economic development, department of resources and economic development established pursuant to RSA 12-A is hereby transferred together with all of its powers, functions, duties, personnel, records and property to the office of the governor. Henceforth, whenever reference is made in the statutes to the office of planning and research, it shall be construed to mean the office of state planning. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified employee in the state services on effective date of this act shall be required to take an examination to remain in his position.

Amend RSA 4:12-c as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

4:12-c Supervision and Duties. The office of state planning shall be under the supervision and direction of the governor or his designee. In addition to such other duties as the governor may assign, the office of state planning shall acquire and maintain a current record of all large subdivision developments in the state and keep the governor aware of all such activity and proposed actions.

Amend section 2 of the bill by striking out in lines 5, 6, 7 and 8 the words "except for those monies appropriated by the budget of said department for the aforementioned positions of two resources planners, this money is hereby transferred to the office of commissioner, department of resources and economic development" so that said section as amended shall read as follows:

2 Transfer of Funds. All monies appropriated to the office of planning and research, division of economic development, department of resources and economic development and all monies available to it from any source is

hereby transferred to the office of state planning, in the office of the governor.

Sen. GILMAN: In drafting the amendment into proper form, it was incorrectly printed in the Journal and it appeared that our amendment was not adopted. This was indeed a technical error and I would appreciate it if the Senate would permit making this correction in the Journal.

Adopted.

## COMMITTEE REPORT

### HB 1

imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns. Divided report — Ought to pass and Inexpedient to legislate.

Sen. GOVE: I move that the bill be reported as Ought to pass.

HB 1 came to the Senate after having received a lengthy and thorough joint hearing held in Representatives Hall. I believe members of the Ways and Means Committee have examined and studied this measure in great detail. I have come to the conclusion that the passage of this bill will benefit the State and create a fairer system of taxation. Our business community recognizes the great necessity of tax reform and has endorsed the objectives of this bill. This is important. After all it is business that pays the wages and taxes that keep our economy on a high level. Among the many communications I have received from many corporations throughout the State, the following letter from the Nashua Corporation best sums up the positive benefits that would result from the passage of this bill.

1. A tax based on profits bears a direct relationship to ability to pay. Taxes on machinery and stock-in-trade are relatively fixed in nature and create an unfair burden on less profitable business.

2. Business profits taxes would be paid by a larger number of businesses than now pay the stock-in-trade and machinery taxes. The burden would be more equitably borne.

3. Stock-in-trade and machinery taxes are locally assessed. The rates vary, depending on the communities in which the

businesses are located. We have unequal tax burdens on industry in various communities, and in a very few towns the high concentration of taxable property results in tax havens where rates are ridiculously low.

4. Placing the burden of taxation on business profits should attract new industry — such taxes will not be due until the new business becomes profitable.

5. We have had high employment in New Hampshire. However, the State's average wage rate is low. Removing the taxes from stock-in-trade and machinery should attract industry with higher per capita investments, and this type of industry, in general, pays higher wages.

Sen. ENGLISH: My remarks are in five parts.

## PART I

I travel in my district almost daily. One person, let me repeat, one person has spoken to me in opposition to this bill, notwithstanding an editorial in the Manchester Union on the 13th of April listing my name, address, and telephone number and a further editorial in today's Manchester Union. I have received no adverse telephone calls and only one post card (not from my district).

It gives me confidence then to speak in favor of this bill with real evidence that I am representing the wishes of the people of District 11.

## PART II

HB 1 will produce \$23.8 million. \$17.6 million goes to the cities and towns to replace the stock-in-trade tax, plus 10%. This leaves in round figures, \$6.2 million to cover the following:

\$1. million foundation aid.

\$1.3 million non-public schools.

\$1. million state employees salaries

and a number of lesser matters but ones of importance including \$273 thousand for alcohol and drug abuse, \$110 thousand for algae control.



## PART III

Earlier I gave you the \$2.3 million estimate which the Governor's expert, forecast to be the yield of the 6% business profits tax and I would like to make a few remarks in connection with estimates.

I have taught in this area of business forecasting and I have told my students that 55% right meant A+ and that 51% was a passing grade. The reason for this is that if anyone in the forecasting business is right 51% of the time or more, he will be rich. Anything more than 51% he will be very rich.

Let me refer to an interesting article in FORBES, 1Apr70. This has to do with the views of Sidney Davidson, Dean of the Graduate School of Business at the University of Chicago. "I would like to see the budget for 1970 published in the 1969 annual report. I'd like to see the comparative statements turned into three columns: last year, the year before and the budget for next year. I always ask my classes: If you could only have one figure about a company, which would you like? Almost unanimously, they'll say earnings per share. But the *smartest student* is the one who will say give me earnings per share *for next year*. Now we can't give next year's earnings, but we can give *management's best guess*.

## PART IV

Some observers have made a point to question the legality, or more strictly, the constitutionality, of HB 1. At least one observer foresees chaos if the court should make an adverse ruling. Making the same use of the word "chaos," the same might well happen if:

if DJI drops 100 points to 600

if riots in cities and our national capital got out of bounds

if an atomic bomb should explode

if, if, if.

Predicting "chaos" is a dramatic way of expressing doubt. If all the "ifs" I could think of, and all the "ifs" that you could think of happened, of course, a whole lot of things could go wrong. The constitutionality of this measure is strongly supported by those best able to know. I accept this.



## PART V

On an annual basis, the budget for fiscal 1970 is approximately \$66.6 million and for the following year \$73.3 million. The latest figures show a projected \$2. million deficit for fiscal 1970, and a like deficit for 1971. Put in simple terms and round figures the deficit is 3% of the budget for each of the next two years.

If the present proposal is not passed, we can only assume that approximately 3% would come off each of the budgets for the various departments and agencies. Admitting that it would not be precisely 3%. Applying this 3% figure to the portion of the general funds budget for the State Police, you have now a general fund budget of \$179 thousand, of which 3% off reduces it to \$5.3 thousand. This would represent the equivalent of the reduction of two police cruisers fully equipped or one trainee state police.

Take the case of the State Hospital. There is \$7.5 million involved in each year of the biennium, reduce this by 3% and you have \$227,000 off. This could represent ten professional employees.

Take the Department of Education. The general funds budget here is \$11., subtract 3% and you have \$340,000 off. Where would this money likely come off? Probably foundation aid and who would pick up the tab for this reduction? Your cities and towns through the local property owner.

Now, let us take a look at water pollution. The general budget here in this area is \$1.6, take off 3% and you have \$49,000, and what happens to the algae in Lake Winnesquam? I will leave that to you.

Now, let's have a quick look at the Laconia State School. The general fund budget is \$2.9 million, remove the 3% and you have \$88,000 off. This could mean ten registered nurses.

I want to just touch on one other subject. The salaries of your state employees. Obviously without HB 1 there will be no increases but the story is a tragic one. Inflation at the present time is running 6% per annum. This means that as of the present time there has been in effect a reduction of close to 10% in the purchasing power of the money received by the state employees.

Sen. BOURQUE: For the next fiscal year beginning July 1 of this year, do you have an estimate of what this tax will bring in?

Sen. ENGLISH: 23.8 million dollars.

(Discussion)

Sen. CHANDLER: Is the town of Greenfield in your District?

Sen. ENGLISH: No, it is not.

Sen. BOURQUE: I move that further consideration of HB 1 be indefinitely postponed. I will be very brief. I don't believe that HB 1 is in the best interests of the people of the State of New Hampshire. Using Sen. English's figures, I think it is as dangerous to the State as an atomic bomb. I think it could result in a greater crisis in the next months. In Manchester, the telephone calls and letters that I have received, I would say at least nine to one were against the bill.

Sen. SPANOS: Mr. President: I rise in opposition to House Bill 1.

It has been a most difficult decision for me to make — maybe the toughest since serving in the legislature. I have struggled with personal conviction and philosophy, with political ramifications, with constituency concerns, and with the merits of the bill and finally concluded that I could not support this measure.

At the outset let me say, that as you witness the final vote on this bill you will note that the ugly head of "partisan politics" has not reared itself.

Now for my reasons for opposition.

*First*, this legislation purports to be an effort towards tax relief. And I ask — to whom? Is it to those who deserve it most? The low-income groups, the widows and the elderly? Is it relief to the real estate property owner struggling to save his home? Unfortunately, it is not. It is designed to offer relief to the industrialist and those of the mercantile community who have greater resources to meet their financial responsibilities and who can pass on their tax burden to the consumer. Who deserves priority consideration, I ask?

Sure the stock-in-trade and machinery tax is unfair — but so is the real estate tax unfair — but there is a big difference between the two taxes. There is no one that the homeowner can pass his increased property tax along to.

*Secondly*, it is offered to us as a tax based on the ability to pay. Mr. President, HB 1 is about as much “ability to pay” as Premier Nasser is of Jewish origin. If the Administration and the Executive Committee of the Task Force were really concerned about ability to pay, why didn’t they recommend a constitutional amendment providing for graduated taxation? Why did they not appear at the hearings on this constitutional amendment? And why didn’t the Administration use the same “salesmanship” efforts for this amendment as it did for HB 1? If it had, I am positive that this constitutional amendment would have passed the House yesterday instead of being defeated by 30 votes. And again, if the proponents were so philosophically inclined, why was not the recommendation of the Revenue Subcommittee of the Task Force accepted and which called for the enactment of a personal income tax with broad enough exemptions, credits and deductions to shelter the low-income groups.

It is obvious to me that HB 1 is the illegitimate offspring of a union between political expediency and political naivety.

*Third*, there is, as Sen. Bourque indicated in his Minority Report to the Task Force, an element of unfairness inherent in the bill. As Senator Bourque asked: “Should farmers be taxed while bank presidents enjoy the immunity? Should certain self-employed persons pay a tax without asking a corporation president to do likewise? I ask the same question as did Senator Bourque.

*Fourth*, although the Supreme Court has ruled that the concept contained in HB 1 is constitutional, will it say the same thing on the law’s provision that the bill is retroactive to January 1, 1970? And will they say the same thing if the Court keeps hearing the proponents of the bill say that HB 1 is designed only to get at the big corporations and that the little sole proprietor will get a free ride. I have some reservations and doubts as to whether the Court will accept a dual standard of administering the tax.

*Fifth*, the feature in the bill which permits persons to deduct a fair and reasonable salary from their gross profit before

paying any tax, I submit, is a "can of worms". It will be an administrative nightmare to attempt to determine what is a fair and reasonable salary in any given occupation and I guarantee that the differences in opinion between the Tax Commission and the tax payer will precipitate unprecedented litigation (and incidentally, at a significant cost to the taxpayer). And the fact that the burden of showing unreasonableness is upon the Tax Commission and not on the tax payer does not mean that the taxpayer will be free from having to litigate in order to fortify his position.

*Sixth*, and the biggest problem that I have under HB 1 — the projected revenue estimates of the proponents. Will the bill, in fact, bring in sufficient funds to re-imburse the towns and cities for the loss of revenue occasioned by the repeal of the stock-in-trade and machinery tax for the coming year and future years? This is a question that should concern all of us.

I am not an economist by any stretch of the imagination. I cannot determine whether the proponents estimates are more realistic than those of Professors Menge, Pidot and Rosen who predict that the revenues raised will not compensate the towns and cities now or in the future. Although I am unable to decide who is right or wrong, sufficient doubt has been raised as to force me not to gamble — especially when the stakes involved are so high, i.e. the fate of our towns and cities and the solvency of our State.

Now if the business profits tax fails to bring in the revenues estimated by those who sponsor this measure, I see the possibility of three things happening.

(1) The towns and cities will have to make up the difference between the stock-in-trade and machinery taxes they used to get and the re-imbursement from the State from this tax — and this means that the towns and cities will by necessity be forced to further increase the burden on our already over-burdened real estate owners; or

(2) The State will find the monies to make up the difference from the general fund — and this means that many of the services we provide to the people will be reduced and others go unmet; or

(3) The State will make up the difference and create a deficit — and this means that a future Legislature will have to find

a new source of revenue to eradicate the deficit in all probabilities, a broad-based tax of some kind. And may I say, what a *lousy* way to get a broad based tax — not because of its positive aspects but a backing into it out of sheer desperation and to correct an error made by this special session.

Rep. David Nixon, a man I deeply admire and respect, said on the floor of the House during the debate on HB 1 that he felt that the legislature would see to it that the towns and cities were re-imbursed their promised money even if the gold-dome on the State House had to melted down to do it. Mr. President, I submit that it is possible that we may have to do just that.

*Seventh*, If HB 1 does not generate the anticipated revenues, what happens to all the promises made to the legislators and the people of our State on increased School Foundation Aid and assistance to the State non-public schools and other such programs? Will we be able to fulfill our promises or have we raised false hopes in the hearts of the people back home?

*Eighth*, And this is in the form of a question — What happens to those towns and cities who have re-assessed or are re-assessing after the 1969 date chosen as the re-imburement date?

Mr. President: On the day of the House debate on HB 1, Rep. Nixon characterized the House as a jury. Its responsibility was to weigh the evidence and bring in a verdict. However, because the issue before us is a serious one, i.e. the future of our State and the towns and cities, I would go one step further and liken us to a jury hearing not a civil suit (where the case is won by offering a preponderance of the evidence) but rather a jury hearing a murder case, where the proof offered must convince us beyond a reasonable doubt of the case presented. And Mr. President, because I have a reasonable doubt about the merits of HB 1, I cannot vote in favor of it.

Finally, Mr. President, would it not be most ironic, and yes, cruel, that this special session called to hear and respond to the Citizen Task Force's "blueprint for the future" ends up going down in history as the session which, in fact, set back the people of the State of New Hampshire. I pray that I turn out to be wrong.

Sen. TOWNSEND: Three years ago, when we enacted the Rooms & Meals Tax, we had an administration of another Party.

At that time, when it was proposed, did that administration give any guarantee of the estimated revenue to the State?

Sen. SPANOS: I really do not know. There was some question as to how much this Rooms & Meals tax would bring.

Sen. TOWNSEND: Has it lived up to that estimate?

Sen. SPANOS: Oh, yes.

Sen. TOWNSEND: Then, would you admit that the conservative estimate of expected revenue was not improbable?

Sen. SPANOS: Yes.

Sen. BRADSHAW: I am in opposition to the pending motion, and I do so without any fear that I am going to rue the day that the State House eagle will be melted down. I have looked at these figures and listened to a portion of the House debate on this issue. I have listened to economists — both pro and con. It is my belief and judgment that the revenue estimates predicted by the proponents of HB 1 are based on sound facts. I think the towns and cities are going to get their money. I was interested in the question asked of Sen. Townsend: There is absolutely no guarantee on any revenue measure. There never was and there never will be. We must decide whether we believe them or not. This is a step in the right direction. It has been suggested that the business profits tax is going to be passed on to the consumer. It has been suggested that we are not assisting the small taxpayer. I submit to you that the little corner store now suffers from a stock-in-trade tax is going to receive some benefit from this tax. My final point that I would like to make at this time is that one of the arguments that seems to be repeated by the opponents of this bill is that it is not the answer. And that what we really need is a sales or an income tax. You will find that some people will want a flat income tax and some will want a graduated income tax. Those are just excuses not to pass the tax that we have before us at the present time. It is a well known fact that both were defeated at the 1969 session. They cannot be brought up again without a two-thirds vote. Consequently, our choice is whether we are going to take a step in the right direction or a step back. I urge defeat of motion of Sen. Bourque and be ready to support of Sen. Gove that the bill ought to pass.

Sen. LAMONTAGNE: I am in opposition to the motion. First, I would like to say that the largest property owner in Berlin and Gorham, the Brown Company, is 100% in favor of HB 1. Also, the Chamber of Commerce in Berlin and many small business men in Berlin, went on record as favoring this bill. Also, the Automobile Dealers Association of Berlin. The only telephone call which I received from my District was the one from the Brown Company. The majority of the telephone calls that I received came from Manchester which is not my District. It has been mentioned here that possibly this will not bring in the necessary revenue as has been estimated to go to the towns. In my District, the Brown Company, the largest property owner, knows that one thing has been accomplished; to get rid of the Stock-in-trade and machinery tax. This will mean that all the industry coming to New Hampshire will be able to establish themselves, and when they begin to make money, they will then start paying taxes. In all the years that I have been down here, I have heard nothing but we must get rid of the stock-in-trade tax. Therefore, we are going to gain by getting rid of the stock-in-trade and machine tax.

Sen. FERDINANDO: I don't think that anything that can be said is going to change anyone's mind. I am sure that you all know how you are going to vote. There are portions of this bill that are inequitable and unfair. There are no provisions under this bill that will cover business losses, bad debts or investments that business people have and get involved in. That is, let's assume that a person had an income from his business of \$30,000. \$20,000 is considered to be reasonable. Then he must pay a tax of \$600 on the \$10,000. At the same time, these same business men end the year in a hardship situation, in no way under this bill can he recover. He may find himself going to a finance company and end up worse than ever. I believe I have a responsibility to refuse a bill that is less than equitable.

(Discussion)

Sen. GAUTHIER: You claim that there is no provision in this bill for bad investments. If there were, would not the reports be that everybody made bad investments?

Sen. FERDINANDO: You would have to show them in black and white.

Sen. GAUTHIER: Did you ever hear about anybody getting their money back on bad investments?



Sen. FERDINANDO: The federal government allows you recourse. Why should not the State.

Sen. JACOBSON: First may I say I am somewhat embarrassed by the notoriety I have gained on this uncommitted position. I thought that an uncommitted position would be the fairest position with regard to my constituents so that both the pros and cons could approach me without trying to challenge me and give reasonable examples for and against. I have been surprised how very few persons in my district — ordinary citizens — have spoken up either for or against.

I tried to study the bill. I called a number of businesses in my district who would be most profoundly affected by this matter in an effort to gain a full appreciation of what the meaning of this bill is. As I have studied it, I find it has two very positive features.

One, it repeals the legacy tax portion with respect to lineal descendents. As my colleagues in the Senate will remember, I vigorously opposed this measure in the last regular session because it tends to injure many people of low and low-middle income. I can cite many illustrations, which I will not do now, in support of that contention.

Two, it does create a situation of equity with respect to the stock-in-trade tax. This stock-in-trade and machinery tax has been inequitable for many reasons, one of which happens to be the turn-over factor. Those businesses which have a rapid turn-over factor pay considerably less proportionately than those that have a very slow turn-over factor. For that reason, it has a positive feeling.

I do have some uneasiness about its revenue capabilities. I think everyone, whether they are pro or con this bill, recognizes that profits have a certain amount of volatility. But I would add that in any situation there has to be a risk factor. However, I would ask that whenever there is a risk factor and it is a legislative matter, it always has the potentiality of being corrected at some other time.

So, after consideration of this HB 1 and its positive factors relating to the question of the legacy tax, machinery tax and though it has a certain amount of uneasy character to it, I believe it is basically a fair tax and that it will help business and



will provide a degree of equity that does not exist now. Thus, I oppose the pending motion.

Sen. GARDNER: Mr. President: I am a Republican. I do not recall that an income tax was included in the party platform at our last election therefore I do not believe HB 1 to be a party issue.

When I became a Senator I promised to impartially perform the duties of this office according to the best of my abilities. Throughout the years I have sincerely and conscientiously tried to live up to that promise.

In the previous session I very reluctantly voted for the change in the inheritance tax law as that was the only tax presented to the Senate for consideration. We relied upon the revenue estimates presented to us to balance the budget. It is evident the income fell far short of that estimated. There were also many injustices and hardships resulting from the adoption of the tax.

Then as now much pressure was exerted upon the members of the General Court. Some proponents don't mind saying this tax we are discussing is only a stop gap measure to a broad base tax. Certainly it would appear so when you compare the commitments with the estimated revenue.

Each year the cost of government goes up along with the cost of living.

If the public really demands services it is time they faced up to the fact they must also be willing to assume the cost. However, many do not realize the only source of revenue a government has is from taxes.

Not being an economist I am in no position to say I don't believe the estimated revenue from passage of HB 1 is correct. However, from past experience I must say previous estimates in other legislative sessions have proven to be much less than anticipated.

I am against HB 1 for these reasons:

1. I believe it is a discriminatory income tax.
2. There are no rules and regulations.
3. There is no estimate of the cost of administering the business profits tax division.

4. The cities and towns are giving up sure revenue in return for reimbursement from the state from general revenue which will be determined by future legislators. If they do not receive the promised revenue it will be passed on to the local property tax payer who is already overburdened.

Here are four examples of why I think this tax unfair. A self employed person even if he deducts a reasonable salary pays a tax, while one employed by industry or others, perhaps earns two or three times as much for far less hours, pays nothing.

It is even unfair for people in the professions.

A doctor who is self employed pays a tax on his income while those on salary at a hospital or clinic pay nothing. However in the long run the general public will pay as the price of service will be passed on to them.

The head of a law firm may not be salaried, yet those working for him making a salary nearly the same pays nothing while he pays a tax.

Whether we like to admit it or not, we really have a sales tax already on special interests and if HB 1 passes we will have a restricted income tax. Let's at least be honest.

If the cost of government keeps expanding as it will, we will next need a broad base tax and the public better be prepared for it.

I make no apologies for the vote I cast today.

Sen. KOROMILAS: I think today I am going to discharge my Senatorial duty, but I want to make an observation. This idea of our people and urging them as to good government or bad government depending on how they stand to me is unnecessary in this type of process. I reject the attempt being made here to make this into a western movie. Let me take up a few points. Sen. Gove, who says that without a stock-in-trade tax, industry will move in here. (reads from magazine on Governmental Relations) I think this is borne out by these factors despite the stock-in-trade tax. To me, I have a legitimate concern with respect to the property taxpayer. I represent my constituents as I see fit. It has been no matter to me whether I have 14 for or against — I think it is the concern of every Senator to do so. Everyone seems to state that they are considering this particular

bill on every aspect. I submit to some degree there has been a little salesmanship. Take the bill itself. The thing that concerns me as I said before is the real property taxpayer. He has no one to look to if it is not his Senator or his Representative. It says that the State will guarantee — no guarantee has ever been stated. This is not an executive guarantee. It is a Legislative guarantee that each city and town will get equities of what are going to lose in the stock-in-trade tax plus 10% every year. I have listened to the gentlemen, to the economists who have a better expertise in this field. I have listened to Prof. Menge — he is a Democrat, but that makes no difference to me whether he is a Republican or a Democrat. I think we may have had reason to doubt as to whether the business profits tax will obtain the necessary revenue. We had Prof. Patke and he also testified. He has gone back to Purdue, but I am still in Dover. With respect to estimate, we all know that the bill itself that multi State businesses are going to provide the largest portion to it. Of course, national businesses do not submit to examination of a tax return with respect to their business in this particular State. We all know that there are many manufacturing concerns in this State. What is to prevent them from adding to the cost of business, their advertising costs. The national businesses can do this very well. This will have an effect upon the good guys. Again, I have some legitimate concern as to whether all this estimated revenue will come in. Let me take the situation of exemption. The federal government will give a taxpayer a certain charge-off in the number of dependents. This bill does not care about that. I am talking about the people who are affected by this particular bill. They all pay the same 6%. Also, with respect to avoidance.

Is a New Hampshire man a different type of man than in other states? I say no. Every tax measure — the attorneys start working to find ways of avoiding. Is this how the business man looks at it: We want to pay New Hampshire. How about the cost of collecting? It has been estimated one-half a million dollars. Does not it cost money to collect? What about the first year? What about the cost of revenue in this area? Also, I would speak about partnerships. This would allow a businessman to say my salary is reasonable. This is an usury provision. What man in his right mind is going to go into court and tell the world what he makes. This is the only way if the Tax Commis-

sion decides that the salary is unreasonable. This man would have to go to court, before a jury possibly — so a person is going to court and tell to everybody what he makes. Let's take a look at this particular section again. Education is much a factor. Is it proper because I may have an education, that I am an attorney, that I could say to the Commission that I feel \$40,000 is a fair return for my services. What about the plumber who does not have much of an education. Why is education made a part of this particular bill, I ask you? I feel that if a plumber can make \$40,000, he should have the same as a doctor. This says it has no ramifications. Is he in effect going to pay the tax or is the consumer. We all know that medical services are very, very high and a part of our daily life and yet it says that it will not affect a consumer. I have heard many talks about the fairness of this bill. When the Meals & Rooms tax was first passed, it did not hurt the people least able to pay, but when it was reduced to apply to 16c rather than the \$1, it got those people who could least afford to pay the tax. What about the State Hospital? Let's look at the record. Last session, two and one-half million dollars for a laboratory, but the people there were forgotten. . . . I can't predict as conveniently as others that this money will come in. There is no backstop and that is with respect to short term notes. There is no provision for the State to borrow money on short term notes. I have been told by Sen. Gilman that unless there is a provision with respect to borrowing money, it has to be given by this Legislature. Nothing has been done in this bill in that respect. So, and it is a big "if" the money does not come in what is going to help. I ask you what is going to happen to the cities. The only alternative for them is to increase the property tax. We all know that property taxes go up every year, for inflation and other reasons. I ask what would be the result, if the money did not come in, this is a very serious problem. I will not play Russian roulette or any other games with the taxpayer back home. I will stand up and be counted.

Sen. GILMAN: I would compliment Sen. Koromilas, but you were not present when this borrowing power was discussed. The Treasurer has had the authority since 1953 to make short term borrowing, subject to the Governor and Council. You were not present when this matter was discussed. The subject that you referred to is not entirely accurate.

Sen. MITCHELL: I rise in support of motion. I agree with Sen. Ferdinando that whatever is said here is not going to change even one vote. However, I do have a few comments. On the first day, I went in to the hearing, I talked with the Governor and he started to tell me what a nice bill this was. He told me that the small store owners did not have to pay. The utilities won't have to pay because they pay a franchise tax. So, if the stores are not going to pay, and the utilities are not going to pay, who is going to contribute this money. They say they will get the attorneys and doctors. Then I asked the Governor if he were sure that there would be revenue enough to reimburse the cities and towns and he said "oh, yes." Every person in my district who has approached me is in opposition. At my Town Meeting, there were 60 or 65 people there — a resolution passed unanimously in opposition to this bill. I feel that people who are in favor of this and really care, I would have heard from them, but not having heard from one soul, I must vote against the bill. I can appreciate why Brown Company would be in favor of passing this bill. Two other large concerns in the State are also in the same category. I am just wondering who is going to pay this money. This bill is going through, and I hope it will be successful, but I doubt very much if the estimated revenue comes true.

Sen. GOVE: spoke in opposition to the motion. I did not attempt to sway any votes, but I believe I have put my position on the record.

(Discussion)

Sen. MARCOTTE: I must say that I really admire the courage shown by Sen. Koromilas relative to the points he made on HB 1. I must rise in opposition to motion to indefinitely postpone. I have been approached by the two cities in my District about the return of money. I rise in favor of HB 1 relative to the amount that will be returned to Rochester, Somersworth and town of Rollinsford. I feel sincerely that I must go along with the bill as ought to pass. However, I had made comments to the press two or three weeks ago. I then called it a dead pigeon and I still feel that it will be one. However, I must go along and vote for HB 1.

On motion to indefinitely postpone. Sen. Mitchell demanded a Roll Call, Seconded by Sen. Bourque.

The following Sens. voted in the affirmative: Armstrong, Mitchell, Gardner, Spanos, Chandler, Ferdinando, Bourque, Mason, Koromilas.

The following Sens. voted negative: Lamontagne, Gilman, Townsend, Jacobson, Bradshaw, English, Porter, Leonard, Gove, Gauthier, Provost, Marcotte, Claveau, Foley.

Nine voted yes. Fourteen voted no. Motion lost.

Question on motion of Sen. Gove that the bill ought to pass.

Sen. Chandler offered an amendment and spoke in support.

Sen. Lamontagne spoke against.

Amendment not adopted.

Sen. KOROMILAS offered an amendment and spoke in support: There is a section in this particular bill at which this amendment is directed. The bill has a foreign type of requirement on the part of the taxpayer. When a person is investigated by the Commission or collector, it reads as follows: That the Commission may take the oath of any person in the course of any examination, investigation or hearing authorized by this chapter. This amendment would take out. If the Tax Commission came to me and started asking me about my tax, they could put me under oath immediately. Being a lawyer, I would refuse, but how many people would realize to refuse? If you go to court, you will be put under oath at the proper time. This goes beyond the federal code. It seems to me that this is unnecessary, but also foreign. I say that this amendment should be passed. I cannot believe that people in this Senate today would vote against this amendment. This bill takes away the fundamental right of a taxpayer to refuse to go under oath.

Sen. GOVE spoke in opposition to the amendment. I realize Sen. Koromilas is disturbed by the phrase in this bill. I will say that the Committee met and went over this bill completely and we had counsel with us. At this time, I am not disturbed by this fact.

Sen. LEONARD: I agree with Sen. Koromilas on this point. I brought this up to the Governor last week that I was disturbed at the wording. If a State Tax Commissioner comes to your office and puts you under oath, I am not in favor. You are under

oath in court. The Governor told me that he would see the Tax Commission, and straighten this out. If necessary, this could be amended in the next session. The House has voted for this bill. We don't have many more days left and I think we should rely on the word of the Governor.

Sen. GILMAN: If I read correctly, the Commission may take the oath presumably. On the basis of what Sen. Leonard has said, would it not be in order for the executive to direct the Tax Commission not to use this procedure? By executive order?

Sen. KOROMILAS: In direct response to your question, it would seem to me that if this particular provision remains in the bill that the Commission could if it so desired take this type of oath. With respect to an executive order. I am not sure that the Governor by edict could prevent this particular type of procedure. I think the Tax Commission is not in the executive department. It has quasi legislative and executive power. They are not elected. They are appointed by the Supreme Court.

On adoption of amendment, Sen. Koromilas demanded a Roll Call. Seconded by Sen. Chandler.

The following Sens. voted in the affirmative: Armstrong, Mitchell, Gardner, Jacobson, Spanos, Chandler, Ferdinando, Bourque, Mason, Marcotte, Koromilas, Claveau, Foley.

The following Sens. voted in the negative: Lamontagne, Gilman, Townsend, Bradshaw, English, Porter, Leonard, Gove, Gauthier, Provost.

Thirteen voted yes. Ten voted no. Amendment adopted.

Sen. LEONARD: When I studied this bill and discussed it with other people, it was pointed out the possibility of litigation on legislative intent. That is, if a business sold property on an installment basis. If this had occurred before the passage of this bill, when they report on next year and the next year, they might be paying a tax. In discussing this, it appears to me that it will not tax anything that occurred before January 1, 1970.

Question on ordering to third reading.

Sen. KOROMILAS: Parliamentary inquiry. I refer to Senate Rule 24. As I read Rule 24, it states that each bill and joint resolution appropriating State money which has been favorably reported by another Committee shall be referred to



Finance for review. It would seem to me that such a thing is done in Chapter 31A and it reads as follows: In each year, subsequent to 1970, the State Treasurer shall pay over to each city or town on May 1, June 1, Sept. 1, shall appropriate for each fiscal year a sum sufficient to make the payment provided for in this section. The Governor is authorized to draw his warrant out of any money not otherwise appropriated. Not only does this bill raise revenue, but it expends it. I believe this should be referred under the rules to Finance.

Sen. Bradshaw requested a short recess.

(Recess)

The CHAIR: The parliamentary situation when we recessed was an inquiry from Sen. Koromilas regarding referral to Finance Committee. The Chair rules that this matter will not be referred to Finance. Rule 24 indicates as Sen. Koromilas has said above, but this bill was not favorably reported by another Committee. It was reported in four and four. The reports were not discussed. The Chair received a motion from Sen. Gove that the bill ought to pass.

Sen. CLAVEAU: Having voted with the Majority, I move that we reconsider our action. My reason is I am somewhat confused about the amendment and think it should be discussed more.

Sen. MARCOTTE: Will this take a two-thirds vote to reconsider?

The CHAIR: A majority vote.

Sen. BRADSHAW: I rise in support of pending motion. I would like at this time to read into the record a message which I have received. While we were having our limited discussion, some comment was made that the Governor might issue an executive order whereby the Tax Commission would not use the discretionary powers in taking oath. In that connection, I would read the following Message:

The Governor has just told me that he will issue an executive order directing the Tax Commission not to use the discretionary power to administer oaths in other than formal hearings.

Sen. LEONARD: As I stated before, I said I agreed with Sen. Koromilas on his philosophy on oaths. After reading the amendment further, I feel that the power was taken away completely by the amendment. They should be allowed a hearing. I think this amendment went too far. I hope my colleagues will reconsider it and vote it down.

Sen. JACOBSON: I support the motion for reconsideration on one ground and one ground alone. That is, the Governor and the Attorney General have given me the assurance that we will have the opportunity to provide another amendment to protect against any kind of harassment through any Commission that would handle this matter in formal hearing. I recognize that the Governor has given his word about executive order, but I think it should be crystal clear. With that assurance, I shall vote for reconsideration.

Sen. CHANDLER: When is this amendment going to be offered?

Sen. JACOBSON: This amendment will be attached to another bill.

Sen. CHANDLER: What bill?

Sen. JACOBSON: That is not yet decided, but we will find one.

Sen. CHANDLER: Will it be germane to the bill that it will be attached to?

Sen. JACOBSON: I think you may have every assurance that it will be germane.

Sen. KOROMILAS: Is it in order to reconsider in view of the fact that this bill is still on second reading?

The CHAIR feels that it is in order to reconsider this at the present time.

Sen. CHANDLER: Precisely what are we reconsidering? Whereby it was ordered to a third reading or the amendment as adopted?

The CHAIR: The motion of Sen. Claveau was to reconsider our action whereby we adopted the amendment to the bill.

Sen. CHANDLER: What about reconsidering my amendment?

The CHAIR: I will rule on that at the proper time.

Sen. KOROMILAS: I have always taken the position that each and every bill should stand on its merits. You will recall the Rooms & Meals tax. The position was to put the bill through without any amendment. Then the amendment came through on a trailer. At that time, something happened. When we all left, it was found out that something altogether different had happened because this was not considered with the parent bill. I have taken the position that this is an unusual method of changing laws. I have always voted, as you well know, Mr. President, that a bill should stand or fall on its own two feet.

Sen. CHANDLER: If the Governor has assured us that he will propose an amendment to satisfy the objection on this particularly phase of it, what is to prevent him from proposing the amendment at this time. Why can't he offer the amendment at the present time?

The CHAIR: The question is on motion to reconsider whereby the amendment was adopted.

On this motion, Sen. Koromilas demanded a Roll Call. Seconded by Sen. Chandler.

The following Sens. voted in the affirmative: Lamontagne, Gilman, Townsend, Jacobson, Bradshaw, English, Porter, Leonard, Gove, Gauthier, Provost, Marcotte, Claveau, Foley.

The following Sens. voted in the negative: Armstrong, Mitchell, Gardner, Spanos, Chandler, Ferdinando, Bourque, Mason, Koromilas.

Fourteen voted yes. Nine voted no.

Motion carried.

The CHAIR: The parliamentary situation is that we have voted to reconsider our action where we accepted an amendment to HB 1. The present status of the bill is that we have an amendment proposed by Sen. Koromilas. The question of the amendment is open to debate.

Sen. KOROMILAS: Who in this Chamber can say that there will be an amendment to solve this particular problem on

another bill? Is someone here speaking for the House on the other side, guaranteeing that they will pass an amendment to solve our problem? Can anyone here say that there really could be an amendment that will pass on the other side? Who knows. It would seem to me that the time for the amendment is here and now.

Sen. BRADSHAW: I certainly cannot rise and guarantee that any amendment is going to pass even this body, let alone the House. That is why I requested and was given a commitment by the Governor which is now a matter of record here in the Senate that the oath will not be used except in formal hearings. When this amendment was originally introduced into this body, we were told that it would do certain things. I was not aware, nor do I recall, hearing the explanation that this would completely strip the oath from the Tax Commission, even in formal hearings. Therefore, I rise in opposition to the amendment. I think we have adequate safeguards so that they will not be harassed by the Tax Commission.

Sen. MARCOTTE: If this is germane to an income tax, would we have to pass the bill in order to get this through?

Sen. LAMONTAGNE: I rise in opposition. We have faced this before where a law has been enacted and signed by the Governor. At the same time, I am pretty sure if this amendment was corrected, to do what was intended — this can be straightened out between the two Houses. I cannot speak for the House, of course, but I am sure with good common sense, the House would not reject a good amendment. Let this bill go through and let it become law, possibly this may save us one day. A compromise can be worked out.

Sen. CLAVEAU: I am in opposition to the pending amendment because I feel that there is an attempt to manipulate it. I say pass it right now and get rid of it.

On motion to adopt amendment, motion lost.

The bill was ordered to third reading.

Sen. SPANOS: Mr. President, I rise on a point of personal privilege.

This is in relation to the Chair's ruling that when there is no favorable committee report (such as in this bill) the bill need not be referred to the Finance Committee.

In my four terms in the General Court I have served under the present Governor and President Lamprey and I have never seen such a flagrant violation of the rules of our body by your interpretation.

I can't imagine that we can pass a bill of this nature calling for a major appropriation and not send this to the Finance Committee for review. It is just inconceivable.

The thrust of your decision is to open the door for every committee to by-pass the Finance Committee by coming in with a divided report.

That is why I say it was not a fair ruling.

I'm sorry that I have to say this but you did not give me the opportunity to respond to your ruling because you acknowledged Sen. Claveau's motion to re-consider before I could arise.

Sen. CHANDLER: Parliamentary inquiry. Is it true that from now on as Sen. Spanos as pointed out under parliamentary privilege, that from now on Committees will be able to by-pass the Finance Committee by this device that you have ruled upon?

The CHAIR: That does not seem to be a legitimate parliamentary inquiry. My ruling was on Page 42, Paragraph 24. (reads the paragraph)

The CHAIR: This is the first time in my memory in the Senate where a bill has come in with no report. This has not occurred in my memory before and where the Report was neither favorable or unfavorable. This rule applies.

Sen. CHANDLER: In other bills that are reported neither favorable or unfavorable, will they be able to by-pass the Finance Committee in accordance with your ruling?

Sen. GILMAN: This is not a parliamentary inquiry.

The CHAIR: I tried to make it very clear. I think that perhaps if an occasion arose again where a Committee brought in a report neither favorable or unfavorable, I would again rule so.

Sen. KOROMILAS: Under personal privilege. I would like to get into another area for the moment because certain remarks have been made with respect to freedom of the press. I

don't care what newspaper it is, whether it be the Manchester Union or Foster's Daily Democrat, they have to ferret out and try and see what the people believe and I don't find it reprehensible that they would list my name and telephone number so that my constituents would call me.

Sen. Spanos moved the Senate go into the late session.

### LATE SESSION

#### Third reading & final passage of bills

HB 21, relative to out-of-state tuition charges at the University of New Hampshire.

HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.

Sen. BRADSHAW: Having voted with the majority I move reconsideration of HB 1.

Sen. CHANDLER: A moment ago, I addressed to you what I believed was parliamentary inquiry. I tried to phrase them to be such and if I was asking questions that were not parliamentary, I would like to hear your reasons why they were not. With regard to the motion, I would like to say that the passage of this bill will be a black day in the history of the State of New Hampshire and that this bill will lead to all kinds of complications, all kinds of trouble and will be a field day for attorneys who will be turning out corporation papers by the gross. I myself believe that many small businessmen will rush to their attorneys and become incorporated and one attorney has already informed me that he can incorporate anybody within 24 hours. I believe it will cause disruption. I hope it doesn't, but if it does, don't say I didn't tell you so.

Motion to reconsider was lost.

Sen. Jacobson moved adjournment at 4:55 p.m.

*Tuesday*  
*21Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

SHALOM . . . O Lord God of our Fathers, we greet this Passover with joyous hearts filled with thanksgiving and praise. As we remember how our fathers were redeemed from the bondage of slavery and guided into the way of freedom, we are reminded that there are still those who are less fortunate than we, those who still dwell in the house of bondage and eat the bread of affliction. As we have received the blessing of this good land, sharing in its liberty and opportunity, may those who hunger after freedom and justice be satisfied, and may all mankind be blessed with the joys of brotherhood and peace. Amen.

Sen. Mason ledge Pledge of Allegiance.

#### REPORT OF ENROLLED BILLS COMMITTEE

HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.

HB 31, relative to the industrial development authority.

SB 2, creating the office of director of the budget and making an appropriation therefor.

SB 12, relative to retirement credits for Theresa B. Demarais and Paul Hartigan.

SB 16, relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor.

SB 18, authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation.

Paul E. Provost for Committee

Accepted.



## HOUSE MESSAGES

Voted to accede to request of Senate for Committee of Conference on:

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars.

The Speaker has appointed as members from the House: Reps. Hanson, Allen and Chevrette.

## CONCURRENCE

SB 2, creating the office of director of the budget and making an appropriation therefor.

SB 12, relative to retirement credits for Teresa B. Demarais and Paul Hartigan.

SB 16, relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation.

## REFUSAL TO CONCUR

CA-CR 4, Relating to: Granting the legislature greater flexibility in raising public revenue through the power to tax, and Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently.

## HOUSE CONCURRENCE —

## REQUEST CONCURRENCE IN AMENDMENTS

SB 32, relative to the Cooperative School District No. 1 in the town of Derry.

See House Journal of April 16, pages 195-196 for amendment.

Sen. ENGLISH: I can only add that the various changes have been noted. In the case of the Daniel Webster Junior Col-

lege, I can simply add that this has the approval of the Coordinating Board. I move we concur.

Adopted.

SB 3, relative to the Governor's office staff, employment of counsel, and making an appropriation for the office of the counsel.

See House Journal of April 16, pages 193-194 for amendment.

Sen. Jacobson moved the Senate nonconcur and request Committee of Conference.

Adopted. The Chair appointed Sens. Koromilas and Claveau.

#### REPORT OF ENROLLED BILLS COMMITTEE

HB 34, to enlarge the authority of the New Hampshire Higher Educational Building Corporation.

Report same under Joint Rule 15 with following amendment:

Amend section 3 of said bill by striking out the first four lines and inserting in place thereof the following:

3 Definitions. Amend RSA 195-D:3, I (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

##### I. "Corporation"

Amend section 9 of said bill by striking out the second sentence of RSA 195-D:4, II and inserting in place thereof the following:

The terms of two of the members shall expire on June 30, 1970; the terms of two members shall expire on June 30, 1971; and the terms of three members shall expire respectively on June 30, 1972, June 30, 1973, and June 30, 1974.

The Senate voted to concur.

HB 21, relative to out-of-state tuition charges at the University of New Hampshire.

Report same under Joint Rule 15 with following amendment:

Amend said bill by striking out the first three lines and inserting in place thereof the following:

1 University of New Hampshire; Out-of-state Tuition. Amend the "note" relative to out-of-state tuition for the university and state colleges in 1969, 368:4 by striking out the same and inserting in place thereof the following: The Senate voted to concur.

### ANNOUNCEMENT BY THE CHAIR

Unless there is some serious objection, the Chair would like to take up some legalizing matters before taking up the scheduled Committee Reports. No objection.

### SUSPENSION OF THE RULES

Sen. Jacobson moved suspension to permit Committee Report.

#### HB 20

prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age. Refer to Legislative Study Committee. Sen. Claveau for Executive Dept.

Sen. JACOBSON: This bill had as its purpose the elimination of the age requirement as a disqualification for state employment. There was considerable discussion on the bill from such Departments as the Dept. of Safety which now has a maximum age at which a person may enter in, the Fish & Game Dept. also had objection and other Departments were relatively unhappy with this. It also raised some certain objections with regard to hiring people above the retirement age, so in order to have an opportunity to study the implications of this bill, it was the decision of the Committee to send this to the Legislative Study Committee to work out and provide an opportunity where increased age would not be a factor.

Recommendation of Committee adopted.

### SUSPENSION OF THE RULES

Sen. Bradshaw moved suspension of the rules to permit introduction of 5 Committee Reports.

## COMMITTEE REPORTS

**HB 29**

relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon. Ought to pass. Sen. Claveau for Executive Depts.

Sen. JACOBSON: This bill relates only to the city of Portsmouth and its distinguished Senator and Mayor is here. What it does, it provides for a referendum on November 3, 1970 in order to adopt procedure whereby the taxes will be paid in a process whereby they will move over to the fiscal year July 1 to June 30. This bill simply enables the city of Portsmouth to have this referendum. There was no opposition to the bill at the Joint hearing and no objection to it in the House. I would yield to Sen. Foley.

Sen. FOLEY: At our last election, we voted at referendum on the fiscal year, but whether we prepay was uncertain. The City Council and all the people are very much in favor of this referendum.

Ordered to third reading.

**HB 44**

legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen. Ought to pass. Sen. Claveau for Executive Depts.

Sen. JACOBSON: In the town of Goshen, at its annual meeting, there were a series of articles relating to the zoning ordinance. These were passed by a vote of 79 to 41. However, in the steps preceding the vote at Town Meeting, the item article for the zoning ordinance and amendment thereto were not included in one of the warrants. For that reason, there is this legalizing bill in order to protect the vote that was taken at the Town Meeting from this technical fault involved.

Ordered to third reading.

**HB 48**

legalizing the annual town meeting of the town of Gilman-ton held March 10, 1970. Ought to pass. Sen. Claveau for Executive Depts.

Sen. JACOBSON: This involves the transfer of land from the town of Gilman-ton to the Fire Dept. In posting the warrant,

the vote on this particular article, the posting date was one day late, and in order to correct this technical fault, this legalizing bill was entered in order to protect a favorable decision of the town.

Ordered to third reading.

#### **HB 49**

legalizing the annual meeting held March 10, 1970 in the town of Easton. Ought to pass. Sen. Claveau for Executive Depts.

Sen. JACOBSON: This bill again relates to the legalizing of the Town Meeting of Easton with particular respect to the procedures followed with respect to the adoption of the zoning ordinance and amendments in the town of Easton. The question that was raised with the adoption of the zoning ordinance and/or amendments in the town of Easton was whether or not there had been a proper time observed between the posting of the warrant and the time for the voting. In order to protect a favorable decision with respect to the zoning ordinance, this bill was entered.

Ordered to third reading.

#### **HB 54**

legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville. Pass with amendment. Sen. Claveau for Executive Depts.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote relative to bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.

Amend the bill by inserting after section 1 the following new section:

2 Conway Village Fire District. The vote passed on March 30, 1970 at the annual meeting of the Conway Village Fire District whereby the district authorized the issue of four hundred eighty-five thousand dollars bonds or notes under the municipal finance act to finance the con-

struction of a municipal sewage disposal system is hereby legalized, ratified and confirmed in all respects.

Further amend said bill by renumbering the original section 2 to read section 3.

Sen. JACOBSON: This is yet another one of these relating to some technical fault in adopting some amendment to the zoning ordinance. In this case, the Selectmen neglected to include the article calling for the zoning ordinance in the warrant. So this bill is also adding an amendment which relates to the legalizing of the meeting of the Conway Fire District. In this instance, there is a question that the meeting for voting purposes was not open the required 5 hours and was open only 3 hours. In order to correct this technical fault, this amendment was added to this bill. I yield to Sen. Mitchell.

Sen. MITCHELL: I think that Sen. Jacobson has explained the amendment in full. As I understand it, that was the reason for the amendment. It was a bond issue and it went without a two-thirds vote. This is to clarify for the bonding.

Amendment adopted. Ordered to third reading.

### SUSPENSION OF THE RULES

Sen. Ferdinando moved suspension to permit Committee Report.

#### **HB 43**

increasing the power of the State Fire Marshall and making him directly responsible to the Commissioner of Safety; increasing the membership of the State Board of Fire Control and making its functions advisory. Ought to pass. Sen. Ferdinando for Banks & Insurance

Sen. MASON: HB 43 is the first major attempt in 23 years to change the structure of the Fire Marshal's office.

This bill is the result of the Legislative Study Committee's lengthy, involved effort. The subcommittee held several public hearings, public executive sessions, and fact finding studies. They reviewed the Fire Marshal's Code of all 50 jurisdictions. This bill is a composite of many other states. The subcommittee had benefit of legal counsel, as Attorney William Deachman of Legislative Services was assigned to this project and worked very closely with the subcommittee.

Basically, there are five areas of major change from the present RSA's.

1. The membership of the "State Advisory Board of Fire Control" has been increased from 5 to 10 men. The new positions require that they be filled with men with expertise in the following fields: Registered Architect, Chemical Engineer, Electrical Engineer, a Nursing Home or Hospital Administrator, a Fire Chief of a Volunteer Fire Department. This section further provides for the retention of the present five members, and also spells out the terms of their appointments by Governor and Council.

2. The second area of change is in the area of the powers and duties of the State Advisory Fire Control Board. Under this bill the power to make regulations, following public hearings is transferred from the Board to the Fire Marshal. This is necessary due to the rapid changes in technology, both in the area of fire fighting and equipment as well as in types of fires caused by new types of industries.

3. It changes the method of appointment of Fire Marshal from direct appointment by Governor and Council to having the State Advisory Fire Control Board nominate to the Governor and Council. It further creates a terminal date of his appointment, his 65th birthday.

4. Another change requires the local chiefs to report all fatal fires immediately, and requires the Marshal to instigate an investigation within 48 hours of such a fire.

5. The last major change is in the structural organization of the Department of Safety as it pertains to the Fire Marshal's office. Presently the Fire Marshal's office is under the Division of Safety Services which is in the Department of Safety. This bill takes this office out of the Division of Safety Services and puts the office directly under the supervision of the Commissioner of Safety. This will enhance the entire operation and make for much more orderly progressive administration.

Your Legislative Study Committee has wrestled long and hard with this complex problem and they feel that our first responsibility is for the protection of life, limb and property of our New Hampshire citizens. The Committee feels that this bill is the best approach towards that goal. I urge you to support



HB 43. In closing, I would like to read a letter I received from a Fire Chief which is indicative of the feelings of many Fire Departments in our state.

### FRANKLIN FIRE DEPARTMENT

April 11, 1970

Sen. Russell A. Mason  
R.F.D. 1  
Exeter, N. H.

Dear Sen. Mason:

In regards to H.B. 43, the Franklin Fire Department consisting of 50 members, voted in favor of it subject to the amendment that the Advisory Board present three names to be considered for the position of Fire Marshal should it become vacant to the Governor and Council.

Respectfully,

FRANKLIN FIRE DEPARTMENT  
Moise H. Mercier, Chief

Sen. LAMONTAGNE: I heard you mention something about nursing homes. Would this take away Mr. Billings' job?

Sen. MASON: I don't think so. I say so with reservations. At the public hearing, I asked Bill Deachman to look into this very carefully. Consequently, when H & W came down there, I brought this up to Bill Deachman and asked him to smooth this out. He went to H & W and apparently it is a requirement that they do this because of federal funds coming into these nursing homes.

Sen. LAMONTAGNE: When it comes to recommendations, I thought that I had had a law passed a few years ago that took that section out and put it in the hands of the Fire Marshal.

Sen. MASON: What you are referring to is not covered in Section 153. This concerns itself with the structural organization with the Fire Marshal's office.

Sen. LAMONTAGNE: Do you feel that we should amend this bill to take Mr. Billings out of this?

Sen. MASON: This is not in Chapter 153.

Sen. ENGLISH: I regret to speak against the Committee Report. This matter first came to my attention when the Fire Chief of Keene approached me in opposing this measure. I made a check with the Fire Marshal. Out of 226 fire chiefs, not more than 5% have seen it. I do not know about the merits of this bill, but it is a complicated and difficult bill. I talked to Fire Marshal Herbert Whitney who felt that it had not been actually studied. He voiced doubts and felt that it should be given more study.

Sen. KOROMILAS: On Page 6 of the bill, it provides for a rate of pay. That is up to him entirely?

Sen. MASON: I cannot answer this. This is the exact language of the present RSA.

Sen. GARDNER: I will read from a letter from one of my constituents in my area who is a member of the Fire Control Board.

The Board is in complete agreement that many of the rules and regulations pertaining to the Fire Marshal's office are antiquated and outdated. They are also aware that there has been some dissatisfaction with the way the department has carried out its duties as far as some individuals are concerned.

Unfortunately the Board was not consulted prior to the submission of HB 43. Perhaps if they had been many of the suggestions they are in the process of submitting could have been included. We do not contest the subcommittee's statement that the Board was invited to attend the hearings they held but do emphatically state that they were never received by the members of the Board. Had we been aware of the situation we could have definitely attended so that our views could be made known.

Putting Regulatory Powers now held by the Board into the Fire Marshal's hand. The fire marshal is not presently able to carry out all of the duties he now has, how can he be expected to take on the additional regulatory duties of the Board, policy making, etc. as well.

Remove Fire Marshal's Office from Div. of Safety Services and make him answerable to Comm. of Safety only. The idea of having a separate department is excellent and one which has

been often recommended by the Board. However should the Marshal become a Governor's appointment and should the Marshal become answerable only to the Commissioner of Safety who is also a Governor's appointment possible complications could well arise. Being answerable to a 5 member Board gives a better guarantee that the *Public interest* will be best served.

Take appointment of fire marshal away from the Board subject to Governor and Council approval and make it a straight Governor's appointment subject to Council approval.

Sen. BRADSHAW: I move HB 43 be referred to Legislative Study Committee. I am well aware of the fact that this bill is the creation of the Legislative Study Committee. I think that that group deserves to be commended for its efforts in looking into this matter of the Fire Marshal's office. I have felt for many years that that particular office needs to be strengthened, up-dated, and modernized. First, I do not feel that this is a proper matter to bring before this special session. We have been sitting here listening to 100 bills in 15 days. It is just physically impossible for any of us to understand with knowledge and real meaning many of these bills such as HB 43. We have been subjected to conflicting comments by interested parties that this is a good bill, that it is a bad bill and so on. Frankly, I am not convinced whether it is a good bill, but I am convinced that the rules we are operating under at this special session, by doing away with public hearings, may well mean the reason why these bills have been misunderstood. This to me is testimony that the bicameral process works very well. I believe this bill should be referred to the Legislative Study Committee and come back at the regular session where consideration may be given to a serious matter such as this.

Sen. MASON spoke in opposition. As a member of the LSC, I have spent better than 100 hours in the Fire Marshal's office in Concord; to say nothing of hours and hours of research in my home. There is nothing to be gained by shipping this back to the LSC. I would point out that the Board was not allowed to be dropped. That is a false statement. Stacey Cole and others appeared. Sen. Gardner talks about archaic. It is there in his own handwriting. I oppose the present motion.

Sen. LAMONTAGNE: I am in opposition to the motion. First, I would like to say that this is going to start off by putting

the Fire Marshal where he should be. It does not accomplish what I am really interested in in relating to what I discussed with Sen. Mason. I have had experience with Mr. Billings a few years ago. I thought I had accomplished what I meant to do, but I guess I did not. He is still going around to these homes and discouraging people from opening nursing homes. You may be assured if I do come back in the next session, this bill will be amended so that he can take care of his job. The Fire Marshal should be the one to supervise this. I think this is something that should be thought about by all of us.

On motion to refer to Legislative Study Committee, the Chair was in doubt.

Sen. Gardner requested a Division.

Fifteen voted yes. Seven voted no. Motion prevailed.

### COMMITTEE REPORTS

#### HB 15

to define jurisdiction over dredge and fill operations in waters and wetlands located in this state. Ought to pass. Sen. Porter for Resources, Recreation & Development.

Sen. PORTER: HB 15 is a result of two Legislative study committees established in the '69 session. It is a comprehensive bill, based on the tide and wetlands commission's efforts over the past months.

The bill clarifies definition as it relates to plant life, salt-marsh, peat, etc. and includes fresh water bodies exceeding 10 acres.

Further, the bill establishes that it is for the public good to protect and preserve submerged lands, both saltwater and freshwater, from despoliation and unregulated alteration.

Further, The rights of abutters and rights of appeal are established and defined.

Sen. BRADSHAW: Is this simply an authority bill?

Sen. PORTER: Yes.

Sen. GILMAN offered an amendment, and spoke in support: I intended to get this amendment into the hearing of the Committee prior to the consideration of this bill. This provides that any authorization of grant shall be transferred to the Com-

missioner of Fish & Game and by him to the conservation officer. It would also require that the party who has the permit, to have a description of the job being done and to whom granted. It would also permit the conservation officer to place the owner of the shoreline under arrest. . . .

Sen. Bradshaw requested a Recess.

Sen. JACOBSON: I move that HB 15 be made Special Order for tomorrow at 1:01. I and other members of the Senate are members of the two Commissions which have been working under this bill whereby to clarify some of the procedures with respect to the original piece of legislation as adopted in 1969. In order for those members of the Commission, including myself, to have an opportunity to study the import of this amendment, I ask for this Special order of Business.

Sen. GILMAN: I rise in support of the motion. As I indicated, I did not have an opportunity to give wide distribution to the amendment I proposed. My purpose was that I do think the question is urgent and needs immediate attention. I would endorse the motion of Sen. Jacobson.

Motion for Special Order carried.

### RULES SUSPENDED

Sen. GILMAN moved suspension to permit introduction of 3 Committee Reports.

#### HJR 3

appropriating additional funds for the interest and dividends tax division of the state tax commission. Ought to pass. Sen. Gilman for Finance.

Sen. Gilman: I yield to Sen. Chandler.

Sen. CHANDLER: This is a very simple bill. You will all recall that a report was issued out of the Task Force concerning amounts of money that were allegedly not gotten by the interest and dividends tax division of the tax commission. Some 3 million dollars. When I heard this, I did not believe that it was correct. I believed it was erroneously exaggerated. However, the fellow who was in the job in interest and dividends tax divisions happened to be a friend of mine. I was also somewhat aware of the operation of this division because I am hit where

it hurts. As a Selectman of Warner, I had gone into that quite extensively. Somewhere along the line, I talked with my friend and he said that I think when the Rooms & Meals tax was passed, there was some shifting around and he was transferred to a different division. He never got the man so he was operating alone. He talked with me and told me that this was someone he really needed. They were overworked and understaffed. He never got this extra help so he himself took another job and is now teaching at a college and someone is taking his place. This bill calls for a salary, but it comes out of money collected. It is a washout situation. For the balance of this fiscal year, the total amount is \$800. They give him a chair to sit in and a desk to work at. \$2600 for the balance of this year. In 1970, the total is \$5,500. I believe this will go almost entirely for his salary. I believe he needs this much more help in his division. This is rather a small amount.

Ordered to third reading.

#### HB 8

increasing the amount authorized for state guarantee of municipal bonds for water pollution.

Ought to pass. Sen. Gilman for Finance.

Sen. BRADSHAW: This bill increases the state guarantee of bonds for water pollution projects from 75 million to 125 million. This is needed in order to continue our fight against water pollution, to keep up with the municipalities that are constructing sewage treatment plants and other facilities to thwart pollution. As many of you are well aware, the federal government has increased their funds. We must keep pace if we are ever to lick this problem.

Sen. MASON: This increases the fund by 50 million. Does it increase the ratio per job?

Sen. BRADSHAW: It does not.

Ordered to third reading.

#### HB 50

relative to the firemen's retirement system. Ought to pass. Sen. Gilman for Finance.

Sen. GILMAN: This bill refers exclusively to the retirement system within the firemen's retired service. As you may

remember, the firemen were not a part of the retirement system in the beginning. This would bring them up with retirement under other retirement systems.

Ordered to third reading.

### HCR 5

in favor of the accelerated improvement of Route 16. Ought to pass. Sen. Armstrong for Public Works & Transportation.

Sen. ARMSTRONG: I would defer to Sen. Gilman.

Sen. GILMAN: I rise in support of the resolution of the Committee and thank the Committee for their prompt action.

The action of the Governor in initiating a feasibility study of the extension of the Spaulding Turnpike northward along Route 16 is commended and the Commissioner of Public Works and Highways is urged to implement the Governor's instruction as expeditiously as possible in accordance with Chapter 256:1 (K), (L) and (M) of the R.S.A. The results of the study thus provided shall be filed with the Secretary of State prior to convening of the 1971 Session of the General Court.

The House and Senate recognize the economic importance to the State's northern and eastern communities of accelerating the construction of Route 16 to higher standards. A northerly extension of the Spaulding Turnpike to the extent found feasible by the study hereinbefore mentioned appears to afford the earliest and most logical means of accomplishing such acceleration.

Sen. LAMONTAGNE: I concur with Sen. Gilman.

Ordered to third reading.

### HB 13

relative to the Central New Hampshire Turnpike, and making an appropriation therefor. Ought to pass. Sen. Armstrong for Public Works & Transportation.

Sen. ARMSTRONG: HB 13 would authorize the issuance of three and one-half million dollars in additional bonds for the Central New Hampshire Turnpike. While these bonds are backed by the faith and credit of the State, they are amortized from the proceeds of toll receipts. The purpose of this



particular authorization is to permit the Department of Public Works and Highways to redesign the northerly portion of the Central New Hampshire Turnpike from a point in Hooksett known locally as Martin's Ferry, northerly to its junction with Interstate Route 89 in Bow, a distance of approximately eleven miles. It would also permit the acquisition of necessary rights of way for an eventual eight lane facility. The proposed redesign is, however, for a six lane highway.

The need for the additional lanes becomes obvious when one recognizes that the missing link in Interstate 93 on the easterly side of Manchester (a part of the so-called Manchester belt line) will be entering the construction stage as a six lane highway in the next two years. This, combined with the present Central Turnpike at the Martin's Ferry junction, will make a total of ten lanes of highway, while at Bow a total of eight lanes now exists.

I am advised by the Highway Commissioner that traffic volumes have already reached the point during certain peak periods where traffic is backed up from the Hooksett toll plaza to Concord. There is a very serious safety aspect to this whole matter. Many of you will recall the tragic, across the median, multiple fatality accident which took place in Bow last fall; four people lost their lives.

I am advised further by the Commissioner that toll revenues are increasing at approximately 15 per cent annually, and when projected give every indication that they will be adequate to handle the amortization costs of the additional three and one-half million dollars in bonds which HB 13 contemplates, without extending the original final amortization date of 1966.

This bill does not authorize any construction whatsoever. It does provide for accomplishment of all necessary preliminaries and will permit the Department of Public Works and Highways to again come before the Legislature with a sound estimate of construction costs based on complete plans. It can then present its case for Legislative authorization for bonds for construction purposes. They hope to be in a position to do this during the 1971 regular session.

The bill was referred to Finance by the Chair.

**HB 17**

clarifying tax exemptions on real estate and personal property owned by governmental bodies. Inexpedient to legislate. Sen. Gove for Ways & Means.

Sen. GOVE: HB 17 would allow the City of Portsmouth to tax property leased by a corporation from the Port Authority. The bill, as drawn, would have a far reaching effect not only in Portsmouth but throughout the State. Opposition came from citizens of Portsmouth itself, from members of the Port Authority and from the State Comptroller. It was the unanimous opinion of the Committee that this measure was far too broad in its scope and should be reported out inexpedient to legislate.

Sen. Foley recorded as voting in favor of the bill.

Recommendation of Committee adopted.

The CHAIR recognized Sen. Gilman who suggested that the Senate go into a Committee of the Whole (not closed session) to discuss the schedule for tomorrow, the last day to consider Committee Reports.

The Chair recognized Sen. LEONARD: Under personal privilege: After our vote on HB 1 Thursday the Manchester papers created three clubs for members of the Senate. The first club is called the "Unholy Alliance." The members are those fourteen who voted for HB 1.

The second club consisted of those Republican members who voted against HB 1. The name of this club is "Courageousness, farsightedness and sturdy GOP stalwarts."

The third club is called the "Lonesome Twosome." The two members of this club voted against the bill; two democratic Senators i.e. Midnight Harry Spanos and Senator Bourque.

I voted for HB 1 because I thought it was best for New Hampshire. It is not a new tax. It is a substitute tax for eleven antiquated taxes including the Stock in Trade Tax, the machinery tax and the tax on the inheritance of lineal descendants over the age of twenty one. In my judgment the good points of HB 1 far outweighed the bad points. No major bill is perfect in the eyes of lurid sight. If HB 1 does not work out as planned, we can amend it next year.

The Manchester papers seem to be concerned with "arm twisting." Two weeks ago they were concerned with the "terrible twelve" who were members of the Manchester Delegation

who voted for HB 1. The members of the general court who I have known, while serving in the House and Senate, do not respond to arm twisting. They are sent to Concord by the voters to call the shots as they see them. I believe the vast majority of them do this.

If anyone deserves a trophy for "arm twisting" it should go to the publisher of the Manchester papers who berates those members of the general court who do not vote as he wishes.

I hope in the future that the Manchester papers sell more papers by reporting the news as it occurs and not by berating the members of the general court who happen to vote for a bill that the Manchester papers are against.

Sen. KOROMILAS: Under personal privilege. I am in total agreement with Sen. Leonard. I think all of us here vote as we see it. But I want to call your attention to what an item in the Portsmouth Herald and in other newspapers had to say — it kind of upsets me. . . . In other words, the Chief Executive said that those who did not vote for the bill were not voting for New Hampshire. I want to say for the record that I voted for New Hampshire because I felt this was what I felt was responsible.

Sen. Gilman moved the Senate now go into a Committee of the Whole.

(Committee of the Whole)

Senate in regular session.

### SUSPENSION OF THE RULES

Sen. Ferdinando moved suspension to admit Committee Report.

#### HB 42

relative to the administration of the insurance laws. Ought to pass with amendment. Sen. Ferdinando for Banks & Insurance

Sen. FERDINANDO: This bill initially came with 74 pages. The House amended this to approximately 3 pages. I will go over the areas. The first has to do with general premium tax. What we are doing here — 2% of all direct premiums on life, fire and casualty are payable to New Hampshire. 3.8 mil-

lion dollars. The old method of payment was part on or before March 1 of the current year, the insurance companies would make this premium payment. Under this bill, we are changing to make payable one-half on June 15 and the balance will be due in February. The matter of buying and the market for selling stocks, there is a minority. They do not have a minority under the rules now. This provides this market. This will correct this and make it legal. Next, has to do with the insolvent insurer bill that was passed last year. It describes what a covered claim is. It describes the claims adjusters' fees which will come in October. It recognizes group insurance policies so that in the event the spouse or the children will now legally be covered where there has been some question before as to whether they would be covered or not. . . . Creates a new sub division; a New Hampshire Advisory Committee on Insurance Matters.

Sen. BRADSHAW: Does the Committee amendment include that portion previously known as Section 21 on Page 47 of the original HB 42 which as I understand it recognizes insurance that is already in force in the State of New Hampshire? The type of insurance whereby a spouse or a dependent can also be named as an insured?

Sen. FERDINANDO: Yes, it does. Section 21 is back in the bill.

Sen. KOROMILAS: I move that further consideration of HB 42 be made Special Order for tomorrow at 1:02. Sen. Jacobson has asked me since he had to leave, but he would be appreciative if he were allowed to speak on this tomorrow. This is the only reason why I make this motion.

Sen. FERDINANDO: The Chairman has no objection.

Motion adopted.

Sen. GILMAN: I would move suspension of the rules whereby HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor, be vacated and that the bill be put on third reading at the present time. The Finance Committee took this matter up this morning and we were advised by the Dept. of Public Works that this can be paid by toll revenue and anything else would be after the Legislature is back in regular session. Under these circumstances, it seems necessary to refer to Finance.

Motion adopted.

Bill ordered to third reading.

Sen. Spanos moved the Senate go into the late session.

### LATE SESSION

#### Third reading of bills & JR

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton.

HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote relative to bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.

HJR 3, appropriating additional funds for the interest and dividends tax division of the state tax commssion.

HB 8, increasing the amount authorized for state guarantee of municipal bonds for water pollution.

HB 50, relative to the fireman's retirement system.

HJR 5, in favor of the accelerated improvement of Route 16.

HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor.

Sen. PORTER moved adjournment at 3:30 p.m. to meet tomorrow at 1 p.m.

*Wednesday**22Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

ETERNAL GOD, almighty in Thy power, merciful in Thy love: we come to Thee, not to direct Thee but to ask Thee to direct us by opening our eyes to Truth, by yielding our spirits to the guidance of Thy Holy Spirit, by sensitizing our consciences so that only that which is true, honest, just, and of good report shall have our approval and appropriate action. Give us the power of discrimination, so that we may not be misled by the superficial, the transitory, the easy, the popular, the merely plausible, the glamorous, the materially advantageous but finally destructive — instead, O GOD, guide us by that same light that shone on the mind of Jesus and gave to His followers a bright hope in a dark world. Amen.

Sen. Foley led Pledge of Allegiance.

#### REPORT OF ENROLLED BILLS COMMITTEE

HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor.

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton.

HB 50, relative to the firemen's retirement system.

HB 8, increasing the amount authorized for state guarantee on municipal bonds for water pollution.

HJR 3, appropriating additional funds for the interest and dividends tax division of the state tax commission.

SB 32, relative to the Cooperative School District No. 1 of the town of Derry and legalizing the school district meeting of the towns of Easton, Franconia, and Sugar Hill and legalizing the formation of the Lafayette Regional School District, and dissolving the charter of the Daniel Webster Junior College and transferring all its rights and degree granting authority to New England Aeronautical Institute.

SB 9, relative to the Pierce Brigade, Inc.

SB 34, relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated.

SJR 1, establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the state of New Hampshire and recommending legislation to implement the same.

Accepted.

Paul E. Provost, for Committee

## HOUSE MESSAGES

### Concurrence in Amendments

HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote relative to bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.

### Concurrence in amendments by Enrolled Bills

HB 21, relative to out-of-state tuition charges at the University of New Hampshire.

HB 34, to enlarge the authority of the New Hampshire Educational Building Corporation.

### Concurrence

SJR 1, establishing a Committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the State of New Hampshire and recommending legislation to implement the same.

SB 9, relative to the Pierce Brigade, Inc.



SB 34, relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated.

#### Referral to Judicial Council

SB 35, removing a conflict in the issuance of search warrants.

### SUSPENSION OF THE RULES

Sen. Mitchell moved suspension to permit introduction of Committee Report.

#### HB 28

providing for medical facilities at the industrial school and making an appropriation therefor. Ought to pass. Sen. Marcotte for Public Health.

Sen. MITCHELL: There was no opposition to this bill at the hearing. What it proposes to do is to add some more beds in the infirmary at the industrial school which would eliminate building a larger building.

Sen. GARDNER: It also separates the girls from the boys as I understand they both share the same infirmary at the present time.

Sen. LAMONTAGNE: There will be 4 beds for the girls and 8 beds for the boys. Also 4 rooms that will be isolated.

The Chair referred the bill to Finance.

Sen. Leonard moved suspension to permit introduction of Committee Report.

#### HB 30

making appropriations for the treatment and prevention of alcohol and drug abuse. Ought to pass. Sen. Leonard for Judiciary.

Sen. LEONARD: This bill is the bill pertaining to appropriation for treatment and prevention of alcohol and drug abuse. The Committee felt that it was a necessary bill and reported it without amendment in order that it be sent to Finance at this time.

The Chair referred the bill to Finance.

Sen. Claveau moved suspension to permit Committee Report.

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor. Ought to pass with amendment. Sen. Claveau for Executive Depts.

Amend section 7 of the bill by striking out said section and inserting in place thereof the following new sections:

7 Classified State Employees Adjustments. Amend RSA 99 by inserting after section 9 (supp) the following new subdivision:

#### Automatic Salary Adjustments

99:10 Cost of Living Adjustments. Notwithstanding any other provisions of this chapter or any other statute relative to salaries of classified state employees, said salaries shall be adjusted in accordance with the following provisions based upon the cost of living index as prepared by the United States Bureau of Labor Statistics:

I. Whenever the cost of living index rises 3 per cent and remains constant or continues to rise for a period of sixty days, the director of personnel shall adjust all salaries of classified state employees by increasing the same by 3 per cent. For the purposes of this section, the base shall be the cost of living index as of April 1, 1970.

II. Whenever the cost of living index falls below the base level as established on April 1, 1970 and remains constant or continues to fall for a period of sixty days, the director of personnel shall adjust the salaries of classified state employees by decreasing the same by the same percentage as the cost of living index is below said base level; provided, however, that in no case shall said salaries be decreased below the amounts established by RSA 99:1 as amended by section 1 of this act.

99:11 Payment of Adjustments. The salary adjustments provided for in RSA 99:10 shall be a charge against the salary adjustment fund.

8 Unclassified State Employees. Amend RSA 94 by inserting after section 7 (supp) the following new subdivision:

94:8 Cost of Living Adjustments. Notwithstanding any other provisions of this chapter or any other statute relative to salaries of unclassified employees, said salaries shall be adjusted in accordance with the following provisions based upon the cost of living index as prepared by the United States Bureau of Labor Statistics:

I. Whenever the cost of living index rises 3 per cent and remains constant or continues to rise for a period of sixty days, all salaries of unclassified employees shall be adjusted by increasing the same by 3 per cent. For the purposes of this section, the base shall be the cost of living index as of April 1, 1970.

II. Whenever the cost of living falls below the base level as established on April 1, 1970, and remains constant or continues to fall for a period of sixty days, all salaries of unclassified employees shall be adjusted by decreasing the same by the same percentage as the cost of living index is below said base level; provided, however, that in no case shall said salaries be decreased below the amounts established in RSA 94:1-a (supp).

94:9 Payment of Adjustments. The salary adjustments provided for in RSA 94:8 shall be a charge against the salary adjustment fund.

9 Salary Adjustment Fund. Amend RSA 99:4 as amended by 1961, 221:15 by striking out in lines eight and nine the words "lapse at the end of each biennium and" and inserting in place thereof the words (not lapse provided, however, that any excess over one million eight hundred thousand dollars shall) so that said section as amended shall read as follows: 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state departments and institutions include an annual increment for each position, and whereas upon occasion due to vacancies and personnel turnover, salaries, increment increases and longevity as provided by the appropriations are not needed for said positions, each quarter the department of administration and control shall trans-

fer said amount from the departmental or institutional appropriation to a special account to be known as the salary adjustment fund. This fund shall not lapse provided, however, that any excess over one million eight hundred thousand dollars shall revert to the appropriate fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon the certification of the director of personnel, subject to the approval of governor and council, the salary adjustment fund shall be available for transfer to departments and institutions in amounts that are deemed necessary to comply with chapter 98, RSA.

10 Effective Date. This act shall take effect retroactive to April 1, 1970.

Sen. JACOBSON: Mr. President, we had a long hearing last evening lasting over two hours with about 500 people there at the hearing and a long parade of witnesses in support of HB 2. When I called for the opposition to HB 2, there was a lot of laughter. I don't think anyone would have dared oppose the bill.

What HB 2 does is raise the level of classified employees to a minimum of 16%, retroactive to April 1, 1970. That is fundamentally what HB 2 does for all classified employees except those within the university system.

The amendment that the Committee proposes is an escalator clause which will allow the increase of employee wages and salaries to the amount of 3% once the Consumer Price Index has risen to that 3% level and has remained there for a period of 60 days. Now the extra monies that would be required for this in the event that should happen will be taken from the Salary Adjustment Fund which is proposed to be increased to \$1,800,000 in total. The amendment also provides that in the event the Consumer Price Index drops 3% and maintains that 3% for 60 days, the salaries and wages of these classified employees will also drop. Now the floor on this escalator is HB 2. In other words, it will not drop below the floor established for the various classifications and the steps in the classifications as established by HB 2.

Sen. GILMAN: The 3% escalator clause would have its effect when?

Sen. JACOBSON: The base level will be established as of April 1, 1970 and the effect of this will be as of April 1, 1970.

Sen. GILMAN: I think we have to establish that what we are talking about is the base for the escalator will be the Consumer Price Index as of April 1, 1970.

Sen. JACOBSON: Right.

Sen. GILMAN: At what point would the implementation of an increase be affected if there were to be an increase under the escalator clause?

Sen. JACOBSON: For example, if on April 2 the cost of living rose 3%, then 60 days from that date, namely June 2 or June 1, on that date they would begin a 3% increase.

Sen. GILMAN: How will it be administered? Who will certify the escalator factor? Who will warrant the additional funds? Who is going to certify this — personnel?

Sen. JACOBSON: Personnel, I would assume.

Sen. GILMAN: Personnel has no part in payments.

Sen. JACOBSON: Who has authority under Chapter 99?

Sen. GILMAN: Each department head has authority for his department and the Comptroller has the authority to pay under the scales established.

Sen. JACOBSON: It requires the certification of the Director of Personnel subject to approval of the Governor and Council.

Sen. GILMAN: What we have is a 3% increase on June 1, meaning if this provision were enacted into law on June 1 we have a 3% increase as published by the Bureau of Labor Statistics.

Sen. JACOBSON: That would have to be published on April 2. Then 60 days afterward if it maintains that 3% for 60 days, at that time then the Director of Personnel would certify.

Sen. GILMAN: You know there is no fluctuation as wide as 3% within a 60 day period.

Sen. JACOBSON: If it rises 3% and maintains that rise for at least 60 days then the certification shall take place.

Sen. GILMAN: The point is that the Director of Personnel will certify that he has been notified there is a 3% increase.

Sen. JACOBSON: Maintained for 60 days.

Sen. GILMAN: Then what steps would he take?

Sen. JACOBSON: He would certify this fact according to this amendment: "upon certification of the Director of Personnel subject to the approval of governor and council the salary adjustment fund shall be available . . ."

Sen. GILMAN: How about temporary employees or personnel just on the pay roll?

Sen. JACOBSON: I would quote from the bill, "under no circumstances will this be used for temporary employees."

Amendment adopted. Chair referred the bill to Finance.

Sen. Claveau moved suspension to permit Committee Report.

HB 6, Providing for consumer protection and making an appropriation therefor. Pass with amendment, Sen. Claveau for Majority of Executive Depts. Inexpedient to legislate. Sen. Chandler for Minority of Committee.

Amend RSA 358-A:2, I and II, as inserted by section I of the bill, by striking out said paragraphs and inserting in place thereof the following:

I. It shall be unlawful for any person to use any unfair method of competition or any unfair or deceptive act or practice in the conduct of any trade or commerce within this state. Such unfair method of competition or unfair or deceptive act or practice shall include, but is not limited to, the following:

(a) Passes off goods or services as those of another;

(b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;

(d) Uses deceptive representations or designations of geographic origin in connection with goods or services;

(e) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(f) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;

(g) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(h) Disparages the goods, services, or business of another by false or misleading representation of fact;

(i) Advertises goods or services with intent not to sell them as advertised;

(j) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity; or

(k) Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions.

Amend RSA 358-A:6, III, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

III. Any person who subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the attorney general for the purposes of effecting prosecution under this act shall be deemed to have committed a misdemeanor and shall be fined not more than fifty dollars.

Sen. JACOBSON: This bill is what has become known as the "Consumer Protection Bill." It establishes procedures whereby unfair business practices shall be curtailed through the authority of the Attorney General. It establishes in the Attorney General's office an Assistant Attorney General who shall have as his special province consumer protection. There is an ap-



propriation in the bill; for 1970, it amounts to \$10,185; for 1971, \$35,613.

There were a number of relatively minor amendments to the original bill as it came from the House. When the Committee considered this, it took particular notice of that section on page 2, Paragraph I under RSA 358-A:2, which states: "It shall be unlawful for any person to use any unfair method of competition or any unfair or deceptive act or practice in the conduct of any trade or commerce within this state." It was the feeling of the Committee this was too broad an authority and did not specify clearly what unfair methods of competition were or what were unfair or deceptive acts or practices in the conduct of any business. Upon consideration, the Committee offers an amendment in which the intent of Paragraph I is spelled out in detail. There are eleven instances or illustrations of what, in fact, is an unfair or deceptive practice. For example, it shall be an unfair method of competition or deceptive act to:

"Pass off goods or services as those of another;

"Cause likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

"Cause likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;

"Use deceptive representations or designations of geographic origin in connection with goods or services;

"Represent that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation or connection that he does not have;

"Represent that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or second-hand;

"Represent that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

"Disparage the goods, service, or business of another by false or misleading representation of fact;

“Advertise goods or services with intent not to sell them as advertised;

“Advertise goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity; or

“Make false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions.”

Also included in the amendment is a change in an amendment that was offered and adopted by the House. It appears on page 5, Paragraph III under RSA 358-A:6. The House amendment reads: “Any person who knowingly and willingly subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the attorney general for the purposes of effecting prosecution under this act shall be deemed to have committed a misdemeanor and shall be fined not more than fifty dollars.” The Committee has eliminated the phrase, “knowingly and willingly” so that it now reads: “Any person who subverts the intent and purposes of this chapter . . .” so that we do not get into the “knowingly” matter which would be a very difficult matter to prove at law. That is the intent of the amendment.

Sen. CHANDLER: I move that the report of Minority, Inexpedient, be substituted for that of the Majority, pass with amendment. This bill has been explained by Sen. Jacobson and I feel that it has worthwhile aims in this bill, but it is another one of those familiar protection bills of which we have had several in the past couple of sessions. I maintained at the executive hearing that this did not seem to be of an emergency measure. I do not think the practice here reached widespread proportions to be considered an emergency to come before this special session. I think perhaps the Rules Committee of the House was a little bit lenient in considering items for consideration at this special session. We have considered over 100 bills in 15 days. This bill is another one of those bleeding hearts bills. They may be laudable, but I think it is an over-protection of the people. People have minds of their own. They have had experience and they look out for their interests. Maybe they need a guardian or someone to hold their hand, but I think this overprotects. There may be some people — the elderly — who do need some protection, but I hesitate to add another Attorney General to

the office of the Attorney General. The Attorney General has only been in office a short time. Now, we have this bill increasing his assistants. This morning, in Committee, we discussed still another bill that would create another Assistant Attorney General and 4 investigators. We are building a bureaucracy. I think the public ought to protect itself. This is going to cost some money and that other bill is going to cost more money. I think if this were to come before the public for a vote, I think they would vote against it. It may be a kind of a hard-boiled thing to say, but I say let the buyer be aware.

Sen. SPANOS: I rise in support of the majority report and in full support of HB 6.

This bill is quite similar to ones that the minority leadership in the House and Senate have offered in the past (as recently as the regular session) but have failed to muster sufficient support for passage.

Consumer protection has *long* been of great concern to us. It is time that we involved ourselves with the people who are being "taken" by the unscrupulous in our society.

Even though this is not our bill and is the product of the Task Force, I *still* feel that the principle is a good one and I rise in full support thereof. And I do not mind that in support thereof, I am classified as a "*do-gooder*" or a "*bleeding heart*."

Sen. GOVE: I am in support of the Committee and against the motion to substitute. This legislation is being adopted in other states. It is somewhat taken from the Council of State Government. I would say that this is another area which I think the states should get into before the federal government does get into it. I think in the State of New Hampshire that the Attorney General has received complaints and I think there is need for this type of legislation.

Sen. LAMONTAGNE: I am in favor of the Committee Report. I would like to say that there is an emergency especially when you have witnessed a matter that happened at Twin Mountain as I did while serving on a land damage commission. Siding was put on a small home for \$3,500. I believe it could have been done for \$1200. The State is taking the house and is going to pay \$4,500 for it. The woman does not even have money enough to even pay for the siding. That was really stealing.

Sen. TOWNSEND: I rise in opposition to the motion and in support of the Report of the Committee. I feel much the same as Sen. Spanos. There has been support by these considered "do gooders." I guess I may be considered to be one of them and I am glad of it. It so happens that the Task Force, of which I was a member, recommended the creation of this consumer protection and I support what the Committee recommends.

Sen. KOROMILAS: I am in support of the Committee Report. I would like to say a few words about this particular bill. I feel that it is unfair that Sen. Foley, in the 1967 session, did introduce legislation of this type. Unfortunately, at that time, this bill did not pass. It would have been set up under the Bank Commissioner. I have always favored consumer protection. It appears that there is a great deal to this bill. I am sorry that it did not go to Judiciary. I do have some question, but I feel that this is nothing new to this Legislature.

Motion to substitute was lost.

Amendment adopted. The Chair referred the bill to Finance.

Sen. Gilman moved suspension to permit Committee Report.

## HB 26

transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education. Ought to pass with amendment. Sen. Gilman for Finance.

Amend the bill by inserting immediately before the line reading "Chapter 186-B" the following:

1 New Chapter. Amend RSA by inserting after RSA 186-A the following new chapter.

Further amend the bill by inserting after section 17 the following new section:

18 Effective Date. This act shall take effect July 1, 1970.

Sen. GILMAN: This matter was handled in our Committee by Sen. Gardner who has had considerable experience with this matter. There are amendments. I would yield to Sen. Gardner.

Original Bill, (Pages 1 through 7) ; provided additional personnel as follows, Administrative Assistant II, Training Officer, Clerk Steno II, Communications Officer (Unclassified), Clerk Steno II, Statistician II.

Also establishes labor grades for certain positions. House Amendment eliminated this portion of the bill. Pages 1 through 8.

Pages 8 through 26, remain the same essentially as original Bill.

Chapter 186-B Implements the transfer of the Blind Division from Welfare to the Department of Education, except personnel and those functions concerned with Public Assistance to the Needy Blind. The position of Chief of the Division of Rehabilitation and Blind Services is created in the Department of Education. The position of Assistant Chief for Blind Services, Division of Rehabilitation and Blind Services is created in the Department of Education as a classified position. The Chief of the Division shall appoint the Assistant Chief subject to the approval of the State Board of Education. (House amendment specifies State Board shall appoint Blind Services administrator). The Assistant Chief is designated as the Director of Blind Services under the direct supervision of the Chief of the Division.

Transfer of Personnel, All employees of Division of Welfare transferred (except those engaged in furnishing aid to the needy blind by reason of their eligibility for public assistance) to the Division of Rehabilitation and Blind Services. The employees transferred may not be placed in a lower labor grade or position than they held in the Division of Welfare; they may be placed in a higher labor grade. The person holding the job of state agent for the blind authorized under RSA 167:40 also known as Director of Blind Services on effective date of this act is transferred to the Division of Rehabilitation and Blind Services, Department of Education, in a labor grade no lower than that held by the person in that position on the effective date of this act.

The amendment is suggested to assure that funds appropriated for "aid to needy blind" remain in the Division of Welfare and are not transferred to education.

"Blind services," and "aid to needy blind," are separate items in the budget but not as specifically defined in RSA 167:20 Public Assistance Fund created where the terminology is "Blind Assistance and Service."

Amend HB 26 to read. Transfer of Appropriations.

I. The state treasurer shall separate all of the money in the state treasury available for use by the department of health and welfare for the training, education and vocational rehabilitation of the blind, including the administrative expenses of these functions, and including all appropriations for blind services, except funds appropriated for aid to needy blind, from the public assistance fund created by RSA 167:20 or any other account. The treasurer shall credit this money to the department of education.

Sen. LAMONTAGNE: I have received a letter from Franklin Van Fliet who is in favor of the bill.

Amendment adopted. Ordered to third reading.

Sen. Gilman moved suspension to permit Committee Report.

## HB 25

to remove certain restrictions on money collected by the Board of Probation. Pass with amendment. Sen. Gilman for Finance.

Sen. CHANDLER: The amendment was suggested by Probation Dept. by John W. King and it simply has the court make the order rather than the Dept. making the order.

Sen. KOROMILAS: At the present time, there is a 5% charge put on the amount. In fact, the family loses the 5%. Is that correct? Then the family gets what the father gives less the 5%?

Sen. CHANDLER: That is correct.

Sen. LEONARD: The explanation that you gave of the amendment, did you say that the 5% now ordered by the court, in addition to the amount ordered in support of the family?

Sen. CHANDLER: At the present time, the Probation Dept. takes a 5% service charge from the amount collected and the 5% comes out of the recipient. Under the terms of this bill,

the 5% would come out of the person who has been ordered to pay. The bill as it came to the Senate had this done by order of the Dept. The Dept. preferred to have the court issue the order so the court would order the person making the payment to pay the 5% which would then go to the Probation Dept. and the recipient would receive the full amount of the award. There is no payment made if this is done voluntarily. If he pays it weekly or monthly, it does not go through the Probation Dept., but when the court orders the person to make the payment through Probation Dept. it will also order him to pay the 5% collection service charge.

Sen. LEONARD: I want to speak against the amendment. One of the big problems we have in this State, in 98 cases out of 100, there is never enough money to take care of the wife and children. I think this is no more than a tax taking away from the family which does not have even enough money on which to live. After last session, I had more calls on this than any other. This was wrong in the first place. It was never acted on. It was put on as a footnote in the budget. What we should do is abolish this completely. I am ready to draft the amendment if we may have a recess.

The CHAIR recognized Sen. Spanos who moved that House Bill 25, to remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent, be Laid on the Table. Motion adopted.

Sen. Koromilas moved that the rules be suspended to allow a Committee Report not previously advertised in the journal. Motion adopted.

### HB 39

providing for full disclosure in land sales and making an appropriation therefor. Ought to Pass with Amendment. Sen. Leonard for Judiciary.

Amend the bill by striking out section 2 and renumbering section 3 to read 2.

Amend RSA 356-A:14, I as inserted by section 1 of the of the bill by striking out said section and inserting in place thereof the following:

I. Any person aggrieved by a decision or action of the agency may appeal from said decision or action to the



superior court for trial de novo. The superior court may affirm, reverse, or modify the commission's decision or action as justice may require.

Sen. BOURQUE: The Judiciary Committee heard this bill yesterday afternoon. It is a 29 page bill that has been amended. We haven't had time to study it. Our original decision was to refer it to the Judicial Council. However, the Attorney General feels the delay that will be occasioned by this could be critical, and feels we need it right now. The only way we could find to study it was to try to get it into a Committee of Conference. Therefore, we have offered two amendments, one regarding appeal provisions and two, which I feel will result in a Committee of Conference by the House, we have taken the appropriation out of the bill. In Committee of Conference, we hope we will be able to study the bill.

Sen. BRADSHAW: I don't pretend to know the magnitude of this bill. I know the broad intentions. I agree with these intentions and I rise to urge support of the Committee amendments so that a Committee of Conference can be established and we can avail ourselves of some time to allow the Committee to dig out some of the answers.

Sen. CHANDLER: I move that further consideration of this bill be indefinitely postponed. This was the second of the two bills that has added to the staff of the Attorney General, and this also calls for four investigators. The reason for this is that there are certain criminal elements buying up land in New Hampshire and there is no law to stop them. I don't think you can prevent anyone from buying land. This is another of the Task Force recommendations and called a cornerstone. They must be planning a House of Seven Gables. I would like to see this one go down the drain with some of the other ones.

Sen. ENGLISH: I expect the intention of the Senate is to go along. I speak in opposition to the proposal. There is nothing probably more valuable in this day than land and inflation is high and increasing. Unless we take some steps to put this matter in a framework, New Hampshire will deeply suffer.

The motion to indefinitely postpone House Bill 39 was defeated.

The amendment as offered by the Committee was adopted.  
Ordered to third reading.

Sen. BRADSHAW moved the rules of the Senate be suspended to allow HB 39 to be placed on third reading and final passage at the present time, stating: — The only reason I make this motion is because the members of the Judiciary Committee have convinced me they need time to get information. If this bill is put on third reading and final passage at this time, it can be messaged into the House and a Committee of Conference can be established.

Third reading and final passage

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

Sen. Gove moved that the rules be suspended to allow the introduction of a Committee Report not previously advertised. Adopted.

**HB 41**

imposing a tax on certain incomes and making an appropriation therefor. Ought to Pass. Sen. Gove for Ways and Means.

Sen. GOVE: HB 41 is simply a revenue measure. Estimates are that passage of this bill would bring in \$1,700,000. The bill would subject individuals working in New Hampshire but residing in surrounding states to a state income tax of 4%. These persons would, in effect, have the privilege of paying income taxes to New Hampshire instead of the state of their residency.

Sen. JACOBSON: In terms of the collection procedures, is a withholding tax scheme going to be set up?

Sen. GOVE: Yes.

Sen. JACOBSON: That is included in the bill so these non-residents will be subjected to having taxes withheld from their salaries and wages?

Sen. GOVE: That is correct.

Sen. SPANOS: I rise in favor of HB 41.

My support is not unequivocal. I have some reservations about this measure.

The first doubts I had were mechanical problems in the language of the bill but I have been assured by the Administration that there objections will be taken care of by a trailer bill.

One involved my concern that this bill provides no means for the non-resident taxpayer to request a refund and there should be such a vehicle.

The other objection I had was that it is possible under this bill to have a non-resident taxpayer pay this income tax *and* the 6% business profits tax. This problem will also be corrected, I am promised.

Now to the more philosophical objections. I do not like a tax which the proponents claim is pure and simple a *retaliatory* tax against those states who tax our residents. A tax measure should be more than just that.

Secondly, there are some obvious constitutional barriers that this bill will have to hurdle.

But despite the problem that I have with this bill I cannot vote against it and be consistent.

The other day I voted against HB 1 largely because I had some reasonable doubts as to the estimated revenues that it would bring in and I stated that I was afraid that there would be insufficient funds to go back to the towns and cities who lost a source of revenue with the repeal of the stock-in-trade and machinery tax. I didn't want to gamble and see the real estate owner pick up the difference because he is already overburdened.

I cannot now compound this doubt by taking away a source of revenue which has already been taken into account by the proponents in arriving at their conclusions that there will be sufficient funds to re-imburse the towns and cities and to meet the appropriations measure passed by this special session.

Besides, I have a bill I am most vitally interested in — and that is assistance to those communities confronted with a serious problem caused by the crises of non-public schools. I cannot responsibly ask for this financial aid and vote against this revenue producer.

Therefore like Sen. Jacobson on HB 1, the advantages outweigh the disadvantages and I consequently support the bill.

The report of the committee was adopted, and the bill was ordered to third reading, at the late session.

**HB 45**

to legalize certain meetings of the Rye Beach Village District. Ought to Pass. Sen. Claveau for Executive Departments.

Sen. JACOBSON: This legalizing bill deals with the Rye Beach Village District which has had an independent administrative existence since 1905. This bill legalizes a series of town meetings wherein votes were taken on the adoption of zoning ordinances or amendments thereto. Apparently some certain questions have arisen regarding the technical procedures which did take place at these town meetings, or district meetings I should say, back as far as September 24, 1937. It is the clear wish of the residents of this Village District that they have their zoning ordinances and their amendments and that they not be jeopardized at this late date by some technical flaw that took place a long time ago. With this in mind and in order to protect the present zoning ordinances and the amendments thereto, the Committee felt this bill ought to pass.

The report of the committee was adopted, and the bill was ordered to third reading, at the late session.

**HB 46**

to legalize the 1969 town meeting in the town of Hampton. Ought to Pass. Sen. Claveau for Executive Departments.

Sen. JACOBSON: Back in the late 19th century in the 1890's the town of Hampton adopted a procedure whereby certain lots were leased to residents of the town and on these lots, which had renewable leases, the residents built cottage sites and home sites. At the last town meeting of the town of Hampton, an article was placed in the warrant whereby the lessee-owners would be allowed to purchase these lots of land at the one hundred per cent assessed valuation as of 1968's evaluation. This article passed. Now the reason for this legalizing act is to protect those titles from some future encroachment or defect in title as the result of some technical procedures presently unknown that may occur at some future time when some title is challenged. Again, it is to protect those who purchase these properties from the town.

The report of the committee was adopted, and the bill was ordered to third reading at the late session.

**HB 47**

legalizing the annual town meeting of March 10, 1970, in

the town of Hudson. Ought to Pass with Amendment. Sen. Claveau for Executive Departments.

Amend the title of the bill by inserting at the end thereof the words (and certain special and regular town meetings in the town of Litchfield.) so that said title as amended shall read as follows:

#### AN ACT

legalizing the annual town meeting of March 10, 1970, in the town of Hudson and certain special and regular town meetings in the town of Litchfield.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Proceedings Legalized. The votes and proceedings including but not limited to any votes relative to the non expansion of mobile home parks, taken at the special town meeting of the town of Litchfield held on June 5, 1965 and the regular annual meetings of the town of Litchfield held as follows: (1) on March 8, 1966, (2) on March 14, 1967, (3) on March 12, 1968, (4) on March 11, 1969 and (5) on March 10, 1970, are hereby legalized, ratified and confirmed.

3 Effective Date. This act shall take effect upon its passage.

Sen. JACOBSON: The question of the legalizing of the Hudson town meeting has to do with a bond issue that did not follow the proper procedure at the last town meeting. That bond issue was intended to cover the cost of operating the town for a period between January 1 and July 1 as the town of Hudson moved on to the fiscal year of handling its finances as against the calendar year. In order to protect this action, which was accepted and voted, this legalizing act was entered.

The Litchfield amendment again is a question regarding the vote and procedures with respect to the non-expansion of mobile homes at a special town meeting on June 5, 1965 and at subsequent regular annual town meetings in 1966, 1967, 1968, 1969 and 1970. This amendment would legalize the action taken with regard to mobile home parks at these several town meetings in the event some technical flaw with regard to the procedures should arise at some later date.

The amendment was adopted, and the bill was ordered to third reading, at the late session.

Sen. Claveau moved that the rules be suspended to allow a committee report not previously advertised. Motion adopted.

### HB 55

relative to tax exemption for Nutfield Heights Inc., a community housing project for elderly persons. Ought to Pass. Sen. Claveau for Executive Departments.

Sen. JACOBSON: This is a bill that relates to a tax exemption for the United Methodist Church Home for the Elderly in the Derry and Londonderry area. What it essentially does is provide a payment in lieu of taxes at a level of 10% of what the individuals in this housing project have to pay for their rent. In other words, if they pay \$1,000 a year in rent, their payment in lieu of taxes shall be \$100. If they pay \$2,000 a year in rent, their taxes shall be \$200. This is an effort to accommodate these people with limited income so that they would not be taxed at a rate that would be normal; the effect is to abate their taxes to a level at which they are able to pay.

The report of the committee was adopted, and the bill was ordered to third reading at the late session.

Sen. Claveau moved that the rules be suspended to allow the introduction of a Committee Report not previously advertised. Motion adopted.

### HB 33

clarifying the statute relative to management-employee relations at the University of New Hampshire. Ought to Pass with Amendment. Sen. Claveau for Executive Departments.

Amend RSA 98-C:1, III as inserted by section 1 of the bill by striking out paragraph (b) and inserting in place thereof the following paragraphs:

(b) For nonacademic employees of the university of New Hampshire, in all matters except as otherwise provided in paragraph (a) above, three persons, namely, the university vice president-treasurer (or his designate), the chairman of the department of economics at the university of New Hampshire (or his designate) and a nonacademic employee to be selected as provided in paragraph (c).

(c) The commission as provided in paragraph (b) shall annually conduct an election by secret ballot of the nonacademic employees of the university of New Hampshire for the purpose of electing the third member of the commission. The first such election shall be held within thirty days after the effective date of this act, and shall be conducted by the other two members of the commission.

Sen. JACOBSON: HB 33 is an effort to bring about a separate commission to handle questions regarding collective bargaining for the nonacademic employees for the University of New Hampshire. The present commission, which consists of the Chairman of the State Personnel Commission, Commissioner of Labor and Secretary of State or their deputies, has apparently proved unsatisfactory for the employees and also for this commission. They do not want to be involved in it. This replaces it with another commission. The original bill had in it three persons, including the University Vice President-Treasurer or his designate and two other administration officials, to compose this commission. The representatives of the nonacademic employees of the University objected at the hearing to a commission loaded with only administration personnel so that an effort was made by the Committee to come up with a commission that would be more representative. The amendment deals with that issue. The committee amendment sets up a three member commission consisting of the University Vice President-Treasurer or his designate, the Chairman of the Department of Economics or his designate (a faculty member) and provides that these two members of the commission would conduct an election among the nonacademic employees at the University to select a commission member from their own group so that the commission would consist of the University Vice President-Treasurer or his designate, Chairman of the Department of Economics or his designate, and a nonacademic employee elected by these employees. This is the amendment.

The amendment was adopted, and the bill was ordered to a third reading, at the late session.

Sen. Leonard moved that the rules be suspended to allow the introduction of a Committee Report not previously advertised. Motion adopted.



**HB 7**

to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony. Ought to Pass with Amendment. Sen. Leonard for Judiciary.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

making the possession of a pound of marijuana a felony and relative to the sessions, clerk, entry fees, and reports of the supreme court.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeal. RSA 318:52 relative to sales of hypodermic instruments by drug stores is hereby repealed. RSA 318:52-a as inserted by 1965, 275:1 relative to falsifying prescriptions is hereby repealed.

2 Penalties. Amend RSA 318-B:26 (supp) as inserted by 1969, 421:1 by inserting after paragraph I (b) the following new paragraph: (c) possesses or has under his control, one pound or more of any cannabis-type drug, shall for a first offense be imprisoned not more than five years, or fined not more than two thousand dollars, or both, and for each subsequent offense be imprisoned for not more than ten years, or fined not more than five thousand dollars, or both.

3 Amend RSA 490:6 by striking out said section and inserting in place thereof the following: 490:6 Sessions. There shall be one general term of the supreme court in each year, to be held in Concord, and the justices, unless they shall order otherwise, shall be in attendance on the first Tuesday of the months of January, February, March, April, May, June, September, October, November, and December, for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

4 Amend RSA 490:19 by striking out said section and inserting in place thereof the following: 490:19 Clerk.

The court shall appoint a clerk, who shall be removable at pleasure. He shall perform all the duties herein specifically required of him and such other duties as usually appertain to that office. He shall give bond to the state in such sum as the court shall direct, conditioned for the faithful performance of his duties. His salary, as prescribed by statute, shall be in full compensation for the performance of all duties as clerk.

5 Amend RSA 490:24 by striking out the same and inserting in place thereof the following: 490:24 Entry Fees. For the benefit of the general fund of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petitions, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court.

6 Amend RSA 505:12 by striking out the same and inserting in place thereof the following: 505:12 Salary. The annual salary of the reporter, as prescribed by statute, shall be in full compensation for the performance of all duties as reporter.

7 Amend RSA 505 by inserting after section 12 the following new section: 505:13 Fees. For the benefit of the general fund of the state, there shall be paid to the reporter for any service rendered by the reporter, such fees as shall from time to time be established by the court.

8 Effective Date. This act shall take effect sixty days after its passage.

Sen. LEONARD: We had a hearing on this bill yesterday and there were several people that testified. The main part of the bill pertains to hypodermic needles and the control thereof. The committee had many questions on this, one being that if we have a number of users of heavy drugs and there are no needles to use, they will use razors, tools, etc., to take drugs. We didn't think this was necessary at this time, so we have amended the bill by striking out the first three pages which pertains to syringes. The only original part of the bill is Section 3, pertaining to marijuana. This makes it a felony to be in possession of one pound or more of marijuana. The second amendment

pertains to the Supreme Court. Under present law, they must meet at the State Library each year. As we all know, they are in the process of moving across the river, so we have changed the statute to read to meet anywhere in Concord. The second part of this pertains to fees and monies received for duties of the Clerk of the Court. It was interesting to consider this part of the amendment because there are considerable monies, mainly fees and sale of advanced sheets that go to the Clerk of the Supreme Court in addition to his salary. We have a new clerk, the former Attorney General George Pappagianis and he asked us to consider this amendment. This will now put the money in the General Fund. The present Clerk should be commended for this step forward, because he will lose a few thousand dollars by this amendment.

Sen. KOROMILAS: I rise in support of the Committee Report. I want to add a few words with respect to the former Attorney General, who told us he felt that certain monies that were going to the Clerk should go to the State and the General Fund. I don't think there are too many like him in the State.

The amendment was adopted, and the bill was ordered to third reading, at the late session.

Sen. Leonard moved the rules be suspended to allow a committee report not previously advertised. Motion adopted.

#### HB 14

relative to the sale of subdivided land. Ought to Pass. Sen. Leonard for Judiciary.

Sen. LEONARD: At the last session, the law on subdivision of land was changed whereby if a deed was conveyed to a person for a piece of land that was not within the subdivision ordinance the deed would be null and void. In the opinion of the committee, this is a bad procedure. When a person sells land not approved by the Subdivision office, he pays money for it and gets a worthless deed, and the seller has the money. A lot of times people develop areas, sell them off and the buyer can get stuck for thousands of dollars. The Judicial Council testified at the hearing. It was the consensus that a portion of the law should be removed. The House had this bill originally with a penalty of \$100 for the sale of land and this was changed in the House to \$500. Now the individual who sells will be fined \$500 per lot.

Sen. JACOBSON: I move that the report of the minority be substituted for that of the majority.

Mr. President, this present null and void clause was introduced as an amendment to a senate bill which I introduced last year. Sometime last winter at a Judicial Council regular meeting the question was raised regarding this matter of null and void. There was testimony at the hearing that there was no effort on the part of the Judicial Council to involve the State Planning Office or any other person involved in planning in order to resolve the question and still keep teeth in the subdivision regulation law. The Judicial Council passed on this without consideration of the total aspect of planning, but limited itself to this singularly narrow question of title. Planning is probably one of the most important functions in our communities in New Hampshire. Indeed we now have a Chapter 149, the State regulation which requires that every subdivider, regardless of whether it is planning, zoning or subdivision regulations in the community in which he is subdividing land, as long as that proposed subdivision is within 1,000 feet of water that is in existence for at least 6 months of the year, must come to the Water Pollution Control Commission and get approval of the subdivision. Many communities in New Hampshire have zoning ordinances, subdivision regulations or planning. Planning involves lot size; septic systems where there is no city or municipal sewerage system; it involves water systems; roads — it is a tremendously important question. And, if people by means of transfer by title or deed can subvert the subdivision regulations and zoning ordinances of some communities, it would be destructive to the planning concept. Senator Leonard said that the title lawyers appeared in favor of this bill. According to the testimony of Mr. Prugh, there were thousands of potential null and void titles. I asked him how many he specifically knew and he said, twenty. Then I asked him a further question: has there been one situation that he knows of whereby under this null and void title an individual has been effectively bilked and he said he knew of none.

The New Hampshire Municipal Association, represented by Mr. Mann, appeared in opposition to the bill. The State Planning Office appeared in opposition to the bill. The City Planner of the City of Concord appeared in opposition to the bill. The City Planner of Manchester appeared in opposition to the bill.

I believe that some important, workable, protective devices should be established. At the present time these people who testified in opposition to the bill said that this at least put some teeth in the law. If this should be sent to the interim Legislative Study Committee which would study not just the narrow limits of title but the total problem of planning and the maintenance of subdivision regulations, then I think we can come up with something that is reasonable and equitable and will protect what is the principal function of planning and that is the orderly development of our communities and even of our state and I hope this will prevail.

Sen. GOVE: I wish to rise in support of the pending motion to refer this to the Legislative Study Committee. I will quote from the Minutes of a meeting of the Concord City Planning Board held April 1, 1970:

"The board received copies of House Bill No. 14, an act relating to the sale of subdivided land, currently being considered by the legislature at its special session. The board was of the opinion that this bill, if enacted, would seriously weaken municipal control of land subdivision. It was unanimously voted to record the board in opposition to the passage of this legislation."

There was testimony given on HB 14 before the House Judiciary Committee and I would read from the statement before the Senate Judiciary Committee:

"Testimony on House Bill 14 before the House Judiciary Committee brought to light serious conflicting interests on the implications of the bill. The conflict was between the municipalities and their effectiveness to regulate urbanization and land development, and title lawyers with their concern about clear title to land bought and sold in New Hampshire. The City of Concord staff appeared at that House hearing and opposed House Bill 14. Staff of the City was then asked by the House Judiciary Committee to prepare a revised House Bill 14. This was done and a version of the bill presented that fairly protected the interest of the municipalities and the title lawyers.

"Yet, House Bill 14, as it emerged from the House Judiciary Committee, and was subsequently passed by the House, serves only one of these interests and has seriously undermined the ability of New Hampshire municipalities to enforce local

subdivision regulations. This is ironic when the General Court is considering at this time legislation to call for full disclosure in land sales and the people of the state are calling for an end to bad land development.

"House Bill 14, as amended, undoes the work of the 1969 Session of the General Court to make an effective and enforceable land development statute. It places the municipalities in 'double jeopardy' in regard to enforcing subdivision regulations.

"First, it provides for legal action only 'after the fact' — after illegal subdivisions have taken place and development started. It puts the burden of proof on the wrong party. It takes away all the 'preventive' aspects of the current statute. It, therefore, makes land development a happenstance that comes from court cases instead of the result of joint planning by the municipality and the developer. How much in contrast it is with the progressive water pollution laws of the state! Is land pollution less important?

"Second, it makes the cost of a municipality's enforcement of local subdivisions potentially prohibitive. Under the current version of House Bill 14, one does not go to court to assess penalties for violations, but rather to joust for damages.

"House Bill 14, as amended, has in effect made the subdivision regulations of the State unenforceable in most small towns. Only municipalities with legal expertise and money will dare chase violators. The small towns will be intimidated in that penalties are minor and loss of a court case expensive to the public.

"The current statute is an effective law; it *prevents* bad development, and it supports efforts of local planning boards. We see no need to change it and urge that House Bill 14 be recommended inexpedient to legislate."

Sen. LEONARD: You say that the bill before us will make the cost of planning prohibitive. Would you explain.

Sen. GOVE: I think the point was made that in the small communities the selectmen will be reluctant to take these cases into court and subject themselves to the court costs.

Sen. LEONARD: Doesn't this bill provide that the court's and attorney's fees are paid?

Sen. GOVE: If they win the case.

Sen. LEONARD: Do you think someone else should pay if they lose the case?

Sen. GOVE: I think it is a club over the heads of the selectmen. They feel they should not use the taxpayers money for cases when they do not know whether they can prevail or not.

Sen. SPANOS: I rise in opposition to the pending motion.

Let me say at the outset that the Judiciary Committee voted 5-1 (one abstaining) to recommend that this bill ought to pass. This fact should be of a significance to the body in its ultimate deliberation and decision.

Second, I am not a title lawyer (although I do a few titles). I am the Senator from the Eighth District and I represent all of the people in that district and I am most concerned about innocent purchasers.

Third, Senator Jacobson said he asked at the hearing how many persons lost money by a null and void deed and could get no satisfactory answer. I ask how many people have filed subdivision maps because of the existence of the null and void provision? I am sure that this question cannot be answered.

Fourth, the null and void concept is a unique legal concept when applied to a buyer. Normally, it will apply to sellers in control of the facts and not to innocent buyers.

Fifth, Senator Gove said that he thought it was wrong now to assault the principles of planning when we have just passed the Land-Disclosure Act which tends to make for more effective sub-dividing. I say in reply, at a time when the Federal Government and this State are embarked on a course of consumer protection, I submit it is wrong for us now to assault that principle.

I ask support for the Committee report.

The CHAIR: The question before the Senate is the motion to take the report of the minority that this bill be sent to the Legislative Study Committee. Motion Lost.

The Committee report was adopted. Ought to Pass, and the bill was ordered to third reading, at the late session.



Sen. Leonard moved that the rules be suspended to allow a committee report not previously advertised. Motion adopted.

## HB 22

relative to the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs. Ought to Pass with Amendment. Sen. Leonard for Judiciary.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

### An Act

relative to salaries of Carroll county attorney, Carroll county treasurer, salaries of certain county officials of Belknap county and authorizing counties to establish highway safety programs.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Carroll County Attorney; Salary Change. Amend RSA 7 by inserting after section 35-d (supp) as inserted by an act of the 1970 session, the following new section: 7:35-a Carroll County Attorney. The annual salary of the Carroll county attorney shall be established by the Carroll county convention prior to each biennial primary election at a rate of not less than three thousand dollars and shall become effective on January 1 following said election.

2 Repeal. RSA 7:35, II, (supp) as inserted by 1969, 30:1, relative to the salary of Carroll county attorney is hereby repealed.

3 County Treasurer. Amend RSA 29 by inserting after section 16 (supp) as inserted by an act of the 1970 session the following new section: 29:17 Carroll County Treasurer. The annual salary of the Carroll county treasurer shall be established by the Carroll county convention prior to each biennial primary election at a rate of not less than seven hundred and fifty dollars and shall become effective on January 1 following said election.

4 Repeal. RSA 29:14, II (supp) as inserted by 1969, 30:2, relative to the salary of the Carroll county treasurer, is hereby repealed.

5 Belknap County. Amend RSA 7 by inserting after section 35-e (supp) as inserted by this act, the following new section: 7:35-f Belknap County Attorney. The annual salary of the Belknap county attorney shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for county attorney in each biennial primary election at a rate of not less than three thousand dollars and shall become effective on January 1 following said election.

6 Repeal. RSA 7:35, I, (supp) as inserted by 1969, 30:1, and amended 1969, 152:1, relative to the salary of Belknap county attorney is hereby repealed.

7 County Treasurer. Amend RSA 29 by inserting after section 17 (supp) as inserted by an act of the 1970 session the following new section: 29:18 Belknap County Treasurer. The annual salary of the Belknap county treasurer shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for county treasurer in each biennial primary election at a rate of not less than seven hundred and fifty dollars and shall become effective on January 1 following said election.

8 Repeal. RSA 29:14, I, as inserted by 1969, 30:2, relative to the salary of Belknap county treasurer, is hereby repealed.

9 Change in Salaries. Amend RSA 28 by inserting after section 28-d (supp) as inserted by an act of the 1970 session the following new section: 28:28-e Belknap County Commissioners. The annual salary of each of the Belknap county commissioners shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for county commissioner in each biennial primary election at a rate of not less than fifteen hundred dollars and shall become effective on January 1 following said election.

10 Repeal. RSA 28:28, I, as inserted by 1969, 30:3 relative to the salary of Belknap county commissioners, is hereby repealed.

11 Belknap County Sheriff. Amend RSA 104:29, VII as inserted by 1967, 201:1 by striking out said paragraph and inserting in place thereof the following: VII. In Belknap the annual salary of the sheriff shall be established by the Belknap county convention upon recommendation of the executive committee, prior to the first day for filing as a candidate for sheriff in each biennial primary election at a rate of not less than nine thousand dollars, and said salary shall be payment in full for all his services to said county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioner's report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

12 Belknap County Register of Deeds. Amend RSA 478:30 as inserted by 1967, 151:2 by striking out said section and inserting in place thereof the following: 478:30 Salary. The annual salary, and/or a percentage of fees, of the register of deeds for Belknap county shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for register of deeds in each biennial primary election, at an amount and rate of not less than six thousand five hundred dollars plus ten percent of the total fees collected by him and said salary and/or percentage of fees shall become effective January 1 following said election. Said salary shall be paid in equal monthly installments.

13 Local Highway Safety Programs. Amend RSA 239-B:6 (supp) as inserted by 1967, 333:1 by inserting after the word "towns" in lines one and two the word (counties) so that said section as amended shall read as follows:

239-B:6 Local Highway Safety Programs. The towns, counties and cities are hereby authorized to establish highway safety programs. Towns, counties and cities implementing highway safety programs approved by the governor in accordance with the Highway Safety Act of 1966 are eligible for reimbursement of federal funds apportioned to this state for such programs.

14 Effective Date. The provisions of sections 1, 3, 5, 7, 9, 11 and 12 of this act authorizing the Carroll county and Belknap county conventions to establish salaries for certain county officials shall take effect upon the passage of this act. The salaries established for said county officials under this act and the provisions of sections 2, 4, 6, 8 and 10 shall take effect as of January 1, 1971. The provisions of section 13 of this act shall take effect sixty days after the passage of this act.

Sen. KOROMILAS: This bill would give the County delegation in Carroll County the right to set salaries for various county officers. There is a minimum in the bill with respect to the county officers. The county convention cannot reduce the salaries. With respect to Carroll County, the County Convention must set the salary prior to the primary election in Carroll County. With respect to Belknap County, this also gives the county convention the authority to set salaries with respect to the county offices. However, in Belknap County, the Executive Committee recommends to the county delegation that salaries should be increased. With respect again to Belknap, in that particular county, they have to set the salaries prior to the first day of filing in the primary so those people who come from Carroll or Belknap Counties should know the difference. There are minimums in both counties. One other item in this which is not germane, but allows each city, town or county to set up highway safety programs under which they may get federal aid.

The amendment was adopted.

Sen. Koromilas moved that HB 22 be laid on the table at the present time to allow the Senator from Belknap County to look at it. Motion adopted.

Sen. LEONARD: moved that the rules be suspended to allow the introduction of a committee report not previously advertised in the journal. Motion adopted.

**HB 18**

relative to the burden of proof relating to comparative negligence. Ought to pass with amendment. Sen. Leonard for Judiciary.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Burden of Proof as to Comparative Negligence. Amend RSA 507:7-a (supp) as inserted by 1969, 225:1 by adding at the end thereof the following: (The burden of proof as to the existence or amount of causal negligence alleged to be attributable to a party shall rest upon the party making such allegation. This section shall govern all actions arising out of injuries and other damages sustained on and after August 12, 1969, and none other.) so that said section as amended shall read as follows: 507:7-a Comparative Negligence. Contributory negligence shall not bar recovery in an action by any plaintiff, or his legal representative, to recover damages for negligence resulting in death, personal injury, or property damage, if such negligence was not greater than the causal negligence of the defendant, but the damages awarded shall be diminished, by general verdict, in proportion to the amount of negligence attributed to the plaintiff, provided that where recovery is allowed against more than one defendant, each such defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of his causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed. The burden of proof as to the existence or amount of causal negligence alleged to be attributable to a party shall rest upon the party making such allegation. This section shall govern all actions arising out of injuries and other damages sustained on and after August 12, 1969, and none other.

2 Effective Date. This act shall take effect upon its passage.

Sen. KOROMILAS: At the last session, we changed the law with respect to comparative negligence. The sponsor was Rep. Nixon in the House. There was a problem that was seen after it was passed. That is, when we changed the law on com-

parative negligence we may have gone back to the common law doctrine that a person who alleges negligence would have to prove it. What this bill does is to allow it to be like it was before that if a defendant raises the question, they have to prove it. The effect of this bill would seem to go back to where it was in 1915. The other point is the question of whether comparative negligence of the defense can be raised at the present time. It was intended by the committee at that time that no one could raise the question of comparative negligence unless the action happened after the passage of this bill. What this bill does is (1) Puts us back to where we were before, with respect to burden of proof — the person raising it has to prove it; and (2) with respect to procedure, this cannot be taken advantage of unless the action brought happened after August 12, 1969, the date of this amendment of last session.

The amendment was adopted and the bill was ordered to third reading, at the late session.

Sen. BRADSHAW: It has come to my attention and I believe to the attention of several other members of the Senate that there possibly exists a question on off-sale permits for wholesalers and manufacturers of beverages. In other words, the beer manufacturers and distributors. In the Senate Journal of April 9, 1969, on Page 668 there is stated the Chapter of RSA 118:14, and rather than take the time to read the whole thing, I simply want to have the Journal show that I am referring specifically to the comma and the words "may hold." That is the version that the Senate passed. In the House Journal of Tuesday, June 10, 1969, on Page 2876 this provision as adopted by the House and subsequently enacted into law deleted the comma and deleted the words "may hold." The question arose as to what significance the comma and the words "may hold" might be on off-sale permits. It was suggested that a bill be introduced, or possibly an amendment be introduced to straighten this out. However, I contacted Mr. Costas S. Tentas, Chairman of the State Liquor Commission, and asked him what his opinion was. He told me that he did not think that it changed the meaning of the bill as we passed it. However, to be absolutely certain, he requested an opinion from the office of the Attorney General. The question that he asked was whether or not it had any significance. The Attorney General's office has written:

April 22, 1970

Costas S. Tentas, Chairman  
State Liquor Commission  
Storrs Street  
Concord, New Hampshire

Dear Mr. Tentas:

RSA 181:14 (supp) was amended by Laws 1969, 264:1. You have asked our opinion whether under that section as amended the holder of a manufacturer's or wholesaler's permit may hold an off-sale permit with respect to the premises designated on his manufacturer's or wholesaler's permit, even though he holds neither an on-sale permit nor a first class restaurant license with respect to those premises. The answer to your question is that he may hold an off-sale permit alone.

The statute in its present form provides that with respect to the premises in question the holder of a manufacturer's or wholesaler's permit may hold both an off-sale and an on-sale permit. (There is a further condition relating only to the issuance to such applicants of an on-sale permit, i.e., that it be issued only in connection with the granting of a first class restaurant license.) While it is thus possible to hold both an on-sale and an off-sale permit the statute does not require that both be held.

Very truly yours,  
David H. Souter  
Assistant Attorney General

Consequently, I am satisfied that anybody else who is concerned in this matter is likewise satisfied. We now have it in the record and the opinion of the Attorney General and consequently, it is my feeling that the question has been resolved and we don't need an amendment or another bill.

Sen. LEONARD: There is no doubt in my mind that what Sen. Bradshaw has said is the obvious meaning.

Sen. KOROMILAS: Under personal privilege. I would like to speak on the question raised by Sen. Bradshaw with respect to on and off permits. I have had inquiries in my District as to this. It is my understanding from the remarks of Sen. Bradshaw that there has been a resolution of this problem and that is that you don't have to hold two. You may hold one. Either on or off permit license.



Sen. BRADSHAW: Under personal privilege. I did not say that you could hold one or the other. I said you could hold an off-sale permit without having to have either an on-sale permit or a restaurant. The difference being that my inquiry to the Attorney General's office was in one direction only.

### SPECIAL ORDER OF BUSINESS AT 1:02

Sen. Ferdinando called for the Special Order.

#### HB 42

relative to the administration of the insurance laws. Ought to pass with amendments. Sen. Ferdinando for Banks & Insurance.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Amend RSA 402 by inserting after section 57 (supp) the following new sections:

402:57-a General Premium Tax; Report.

I. Every authorized insurer and each formerly authorized insurer shall, on or before March 1 each year, or within any reasonable extension of time therefor which the commissioner may for good cause have granted on or before such date, file with the commissioner a report in such form as prescribed by the commissioner showing all gross direct premiums, including policy, membership, and other fees and assessments, policy dividends applied in payment for insurance, and all other considerations for insurance received by it during the next preceding calendar year on account of policies covering property, subjects, or risks located, resident or to be performed in this state after deducting from such total, return premiums or dividends actually returned or credited to policyholders.

(a) As to title insurers, the portion of the premium chargeable to title search and examination services as reasonably determined by the commissioner may be deducted from such total.

II. The report shall be verified by the oath or affirmation of the insurer's president, vice president, secretary, treasurer, or manager.

III. The commissioner may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

IV. Ocean marine premiums written for ocean marine insurance, as defined in RSA 402:59 shall not be taxed in accordance with this section, but shall be taxed in accordance with the provisions of RSA 402:59.

402:57-b Premium Tax. Collection; Minimum; Penalty.

I. Every insurer, coincidentally with filing of the report required by the above section, shall pay to the insurance commissioner a tax of two percent upon such net insurance premiums as set forth in said report less estimated payments made the preceding June 15th. Provided, however, every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of not less than two hundred dollars.

II. On or before June 15, 1970, and on or before June 15 each succeeding year, every authorized insurer required to pay a tax in accordance with paragraphs I and V of this section, shall pay to the insurance commissioner an amount equal to one-half of the previous calendar year's tax paid pursuant to said paragraphs. This payment shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

III. The taxes imposed in the above sections shall be promptly forwarded by the commissioner to the state treasurer to the credit of the general fund.

IV. Any insurer that willfully fails to file the report required by RSA 402:57-a or willfully fails to remit the proper tax within the time for filing, shall pay a penalty equal to ten percent of the amount of the tax due from it. Upon the tax becoming delinquent, the commissioner may forthwith suspend or revoke the insurer's certificate of authority.

V. The tax provided for in this section shall apply to the business of the year commencing January 1, 1970, and each year thereafter. The tax for business of the year end-

ing December 31, 1969, shall be treated in accordance with the law in effect on December 31, 1969.

Amend RSA 404-B:5, IV and V as inserted by section 3 of the bill by striking out said paragraphs and inserting in place thereof the following:

IV. "Covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this chapter applies issued by an insurer, if such insurer after the effective date of the act is declared insolvent by the superior court, and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

V. "Insolvent Insurer" means (a) an insurer authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) declared insolvent by a court of competent jurisdiction after the effective date of this act.

Further amend the bill by striking out section 5 and inserting in place thereof the following new sections:

5 Fees. Amend RSA 402-B:8 (supp) as inserted by 1969, 218:1 by striking out in line three the word "chapter" and inserting in place thereof the word (title) so that said section, as amended, shall read as follows:

402-B:8 Fees. The commissioner of insurance shall collect the following fees, which shall be paid into a special fund, hereby created for use by the commissioner in administering this title:

I. For each original insurance claims adjuster's license, fifteen dollars.

II. For each annual renewal, ten dollars.

6 Term; Renewals. Amend RSA 402-B:10 (supp) as inserted by 1969, 218:1 by striking out in line two the words "one year from the date of issuance" and inserting

in place thereof the words (on October first next after its issuance) so that said section, as amended, shall read as follows:

Amend the bill by striking out sections 5 and inserting in place thereof the following new sections:

5 New Subdivision. Amend RSA 400 by inserting after section 26 the following subdivision:

#### Advisory Committee

400:27 Advisory Committee Established. There is hereby established the New Hampshire Advisory Committee on Insurance Matters. The committee shall have ten members from which a chairman shall be annually elected. The committee shall consist of the following persons:

I. The insurance commissioner and his deputy;

II. The chairman of the senate committee on banks, insurance and claims or his designee and the chairman of the house committee on banks and insurance or his designee;

III. Three persons appointed annually by the executive committee of the New Hampshire association of independent insurance agents;

IV. Three persons appointed annually by the presidents of New Hampshire domiciled life, property and liability insurance companies.

400:28 — Duties of Committee. The committee shall upon the call of the insurance commissioner, or the chairman, consult with, advise, and assist the commissioner in preparing any proposed legislation or regulations. The committee in its recommendations, shall have the objective of assisting the commissioner in achieving

1. An acceptable insurance environment for rendering the the public maximal insurance service by agents and companies,

2. An open market for the insurance-buying public,

3. Recognition that the business is, and should continue, competitive rather than monopolistic,

4. Adequate authority for the insurance department to regulate the business in the public good, and equitably to all sectors of the industry,

5. Legislative proposals which have been tempered and matured by group analysis prior to presentation to the legislature, so they may enjoy the widest opportunity for general support.

6 Effective Date. This act shall take effect upon its passage.

402-B:10 Term; Renewals. Each insurance claims adjuster's license shall expire on October first next after its issuance. Upon satisfactory proof of continued qualifications and trustworthiness and the payment of the required fee, the commissioner shall without examination, unless required to show qualifications and trustworthiness, renew the license of any licensee upon its expiration.

7 Term. Amend RSA 405:36 (supp) as amended by 1969, 366:8 by striking out said section and inserting in place thereof the following:

405:36 Term. A broker's license shall expire on October 1 of the second year after its issuance, unless sooner revoked by the commissioner.

8 Definition. Amend RSA 408:15, (l), (d) as amended by 1959, 176:1 by striking out said paragraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees:

9 Employee Insurance. Amend RSA 408:15 by inserting after paragraph 7 the following new paragraph:

(8) Notwithstanding the above, any such policy or group life insurance issued pursuant to paragraphs one through seven may be extended to provide group life insurance for an employee, or other member of the group, his or her spouse, child or children, or other dependents.

10 Adoption of Assigned Risk. Amend RSA 412:19-a as inserted by 1961, 77:1 by striking out said section and inserting in place thereof the following:

412:19-a Adoption of Assigned Risk Plan. Every insurer authorized to transact in this state the business of motor vehicle bodily injury, motor vehicle property damage liability, physical damage, and medical payments insurance shall, as a condition precedent to the issuance or continuation of such authorization subscribe to and in every respect be bound by the rules of the New Hampshire Automobile Insurance Plan now in effect in this state and on file in the office of the insurance commissioner. Amendments to the Automobile Insurance Plan may be proposed from time to time by the insurance commissioner or by the subscribers to the plan. Amendments proposed by the insurance commissioner shall become effective and binding upon all subscriber companies unless disapproved in writing filed with the insurance commissioner not more than thirty days after their proposal by at least ten percent of all the subscribers writing not less than twenty percent of the direct premiums for motor vehicle insurance in the state. Amendments proposed by the subscribers shall be submitted to the insurance commissioner through the manager of the plan and shall not become effective until approved by the insurance commissioner.

11 Uninsured or Hit-and-Run Motor Vehicle Coverage. Amend RSA 268:15-a, II (supp) as inserted by 1967, 284:2 and amended by 1969, 485:1, 2, by inserting at the end thereof the following: (In the event of such insolvency, and if no other insurance applies, uninsured motorist coverage shall provide for no less than five thousand dollars coverage for injury to or destruction of property in any one accident.) so that said paragraph, as amended, shall read as follows:

II. For the purpose of this coverage, the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be extended to and include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. In the event of such insolvency, and if no

other insurance applies, uninsured motorist coverage shall provide for no less than five thousand dollars coverage for injury to or destruction of property in any one accident.

12 Classified Personnel. There are hereby created the following listed classified positions in addition to any other classified positions authorized in the insurance department, at no less labor grade than that respectively herein specified: one fire and casualty actuary labor grade 34, one life actuary labor grade 34, one insurance examiner labor grade 26, one senior rate analyst labor grade 25, two clerk stenographers III labor grade 8.

13 Charge for Salaries of New Positions. The funds for the payment of the salaries of the classified positions established by section 12 of this act are hereby appropriated for the fiscal years ending June 30, 1970, and June 30, 1971, and said appropriation shall be a charge against the salary adjustment fund.

14 Certificate. Amend RSA 421:16 by striking the entire section and inserting in place thereof the following new section:

421:16 Certificate. Upon registration of any dealer, a certificate shall be issued. The certificate shall in all respects be in such form as the Commissioner may deem, and shall state in bold type that the Commissioner does not recommend and assumes no responsibility for, securities offered by the dealer. Certified copies of this certificate shall be furnished to the dealer at five dollars each.

15 Changes in Certificate. Amend RSA 421:17 by striking the entire section and inserting in place thereof the following new section:

421:17 Changes in Certificate. Changes in certificate necessitated by changes in the name of the licensee may be made at any time upon written application to the Commissioner, accompanied by a statement of the facts necessitating the change, upon payment of \$25.

16 Registration Required. Amend RSA 421:18 by striking out in line 1 the words "salesmen or agent" and inserting in place thereof the word (individual) so that said section, as amended, shall read as follows:



421:18 Registration Required. No individual shall in this state on behalf of any dealer sell or offer for sale or invite offers for or inquiries about securities unless registered as a salesman or agent of such dealer under the provisions of this chapter.

17 Effective Date. This act shall take effect upon its passage.

Sen. FERDINANDO: I believe I went through this bill yesterday and I believe that Sen. Jacobson has some questions and I will explain. I believe they relate to the premium portion of the bill. 2% of all premiums are taxable, which means revenue of 3.8 million dollars. The whole method of payment is April 1 of following year. This bill would change the method of paying by paying one-half by June 15 and the other half in February or March. This will bring approximately one-half million dollars into the budget.

Sen. JACOBSON: As I understand it, between now and July 1, we will actually get a windfall so that this year's collection will amount to 1.8 million dollars, into general funds.

Sen. FERDINANDO: That is correct. I would also like to add that there are 20 or 30 states who participate in the same way that this bill is set up.

Sen. CHANDLER: I move that further consideration of this be indefinitely postponed. This bill as introduced in the House was originally a 74 page bill and it did all kinds of things. I am not sure of all the details as to what it did do as originally introduced. It was amended in the House but this tax on premiums was retained. When Sen. Jacobson said that we would be collecting 1.8 million dollars, we would be collecting all this year's and one-half of next year's tax. There are some amendments here on page 250 of the Journal. These amendments have been considered in the House and have been rejected in the House and now they have been put back again. I appreciate most of this prepayment on the premium tax. I think this is some juggling around for some purpose, not on the surface, other than good business practice. Although I do not know. I did not go to the hearing.

Sen. BRADSHAW: I rise in opposition to the pending motion and in favor of passage of HB 42. First, I would state

the insurance companies did not oppose this bill because they recognized it for what it is. It is an up-dating of accounting procedures, one which is long overdue, in my opinion. This is why they did not oppose it. It is simply straightening out accounting procedures.

Sen. CHANDLER: Does not this advance payment put the money into one fiscal year instead of the other fiscal year?

Sen. BRADSHAW: For the first year, yes.

Sen. GILMAN spoke against the motion: I don't like to hear it referred to as a windfall. I will concede that we will be collecting an additional sum, but this is not an improper or unwise accounting procedure. This is exactly what it is. It is done by any number of states. Many insurance companies collect their insurance premiums in advance. I can see that it is a change in the accounting procedure, but not an unwise one and I think we should adopt this provision.

Sen. JACOBSON: This extra money will then be part of the total revenue estimate?

Sen. GILMAN: Yes. That is correct.

Sen. JACOBSON: After this first set-to, there will not be any windfall?

Sen. GILMAN: Yes. It is really not right to describe it as a windfall.

Sen. JACOBSON: Are we in fact taking in 50% more in this biennium than we would be in future bienniums?

Sen. GILMAN: Yes. At the time we make the change, we will pick up that amount.

(Discussion)

Sen. KOROMILAS spoke in opposition to pending motion: I still believe that there may not be enough money coming in from HB 1 to take care of cities and towns. This is my reason for voting against this bill. The property taxpayer will still have a few more dollars in his pocket to spend.

Sen. SPANOS: I rise in opposition to the pending motion. I do so because I feel as Sen. Koromilas does that without this insurance premium tax, the risk of the towns and cities not getting their promised share from the business profit tax grows greater and I will not take this risk.

I was witness to the debate which took place on HB 1 and I remember the minority leader of the House, Robert Raiche, stand up and present to that body his views on revenue estimates on HB 1 and what would be needed to fund the various appropriation measures offered by the administration. He concluded that we would run a deficit. At which point a member of the House Appropriations Committee stood and asked Rep. Raiche "if in his presentation he had taken into account the 2 million dollars from the insurance premium windfall" — and Rep. Raiche said he had not because he had not known about it.

This indicates clearly that we are running a real tight ship on our budget and if this revenue measure is dropped then even if we take the revenue estimates of the proponents of HB 1, we are in trouble. I do not want to make matters worse.

Sen. TOWNSEND spoke in opposition to the motion: I would like to say for the record that I have checked in some small way to find out the feeling of the insurance industry in this matter. My conclusions are that they are not particularly in love with the measure, but at the same time, they are not going to oppose it.

On motion to indefinitely postpone. Motion lost.

Amendment adopted.

Sen. FERDINANDO offered the following floor amendment:

Amend RSA 400:27. III as inserted by section 5 of the bill by striking out the same and inserting in place thereof the following:

III One person appointed annually from each of the three following organizations:

New Hampshire Association of Independent Insurance Agents

Independent Mutual Agents of New England

New Hampshire State Association of Life Underwriters

Sen. FERDINANDO: The change here is that the Commissioner felt that it would be too strong, and the committee has tried to correct that by this amendment.

Sen. MASON: I would like to rise in support. I think it is high time that the professionals in the State of New Hampshire who earn their living by this industry have a voice in the control of this business.

Amendment adopted. Ordered to third reading.

#### TAKEN FROM THE TABLE

On motion of Sen. Koromilas, HB 22, relative to the salaries of the Carroll County Attorney and the Carroll County Treasurer, was taken from the table.

Sen. GILMAN: As part of my District includes Carroll County, I would like to rise in support of this bill.

Sen. Koromilas moved the bill be ordered to third reading. Adopted.

On motion of Sen. Leonard, HB 25, to remove certain restrictions on money collected by the Board of Probation, was taken from the table.

Question on amendment of Committee.

Sen. SPANOS: I rise in opposition to the adoption of the Committee Report. If I can recall the circumstances, I remember standing here at the last regular session and raising two very important points. One being the effort of the Finance Committee to impose on the indigent criminal a charge for services rendered by an assigned attorney, and this one to impose a 5% tax on support payments to mothers and children. At that time, I stated that I believed the footnote having to do with the indigent criminal was unconstitutional. Sen. Bourque agreed with me and we tried to amend this by striking out the footnote. We lost. However, at a later date, the footnote was declared unconstitutional by the supreme court. The other footnote, which would impose a charge on mothers receiving support payments through the Probation Department — the court ruled otherwise. I felt then that it was a hardship and I still feel the same way. I would like to see this revert back to where there is no charge to be made. Neither do I feel that we should charge the father who is making the court payments. I actually believe that it is the recipient of the support, the mother and the children who will suffer as a result. I oppose this amendment. I hope you will adopt the amendment to be offered by Sen. Leonard.

Sen. Lamontagne spoke in opposition to the Committee Report.

(Discussion)

Amendment not adopted.

Adoption of Committee Report, ought to pass. Carried.

Sen. Leonard offered the following amendment and spoke in support:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeal. The notes to the appropriations for the board of probation in Laws of 1969, 367:4 and Laws of 1969, 368:4 relative to five percent of monthly collections being transferred to the general fund are hereby repealed.

2 Effective Date. This act shall take effect upon its passage.

Sen. Gilman spoke in opposition.

Sen. Koromilas spoke in support of amendment proposed.

Sen. MARCOTTE: I wish to be recorded as voting in support of the amendment.

Amendment adopted. Ordered to third reading.

## HOUSE MESSAGES

### Refusal to Concur and Request Committee of Conference

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

The Speaker appointed Reps. Zachos, Nixon and Normandin.

Sen. Bradshaw moved the Senate accede.

The Chair appointed Sens. Mason and Bourque.

## ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

The House voted to accede to request for Committee of Conference on:

SB 3, relative to the Governor's office staff, employment of a counsel, and making an appropriation for the office of the Counsel.

The Speaker appointed Reps. Andrews, Palmer and Carrier.

### Concurrence & request Concurrence in Amendment

The House concurs with the Senate in CA CR 2 relating to: Establishing a four year term for Governor. Providing that: The governor shall be elected every four years on the nonpresidential election years, and no person shall serve more than two terms consecutively.

See House Journal, 4/21, pages 208-209 for amendment.

Sen. MASON: I move that we nonconcur and request Committee of Conference.

Sen. SPANOS: As a co-sponsor of this constitutional amendment, I oppose the pending motion.

I must admit that I am not happy with the change that limits the Governor's longevity to two terms.

I feel that a man deserving of re-election should have as many terms as the electorate will allow, and also this limitation makes the chief executive a lame-duck governor after two terms. However I am a realist and recognize that to fight for the "unlimited" terms might very well jeopardize the entire amendment because I am positive that the house will not accept this proposition. The lower chamber took a long step on the road to progress yesterday; I am willing to let it go at that.

The four year term for governor is vital to good, effective and efficient government and I am again positive that the people when they get this amendment in November will whole-heartedly support it and give it a two-thirds blessing — and if they do, it will be a great day for this state and our people. On executive reform we will have catapulted ourselves into the 20th century.

I hope you will reject the motion offered by Sen. Mason.

Sen. BRADSHAW: Would a motion to concur be in order at this time?

The CHAIR: The motion is not in order.

Sen. BRADSHAW: Rather than offer another motion at this time, I would urge that you vote no on the present motion. I am very happy to rise and agree with Sen. Spanos. I too am opposed to the pending motion. As I stated, this bill passed the House by only 11 votes. I think we are playing a very dangerous game if we put this into a Committee of Conference. I urge everybody to vote no. If you do, then Sen. Spanos or I will offer a motion to concur.

Sen. MASON: I withdraw my motion.

Sen. Spanos moved the Senate concur.

The CHAIR: This will require a three fifths vote.

Sen. KOROMILAS: As the Senate knows, I have always believed that the Governor should have no limitation. I still believe that a good Governor can be re-elected as many times as the people see fit. However, I am aware of the problem on the other side of the hall and I support the pending motion.

The Chair requested a Division.

Eighteen voted yes. One voted no.

Measure prevails.

Sen. MARCOTTE: I wish to be recorded as voting against the 4 year term.

## HOUSE MESSAGES

Concurrence and request  
concurrence in amendments

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

See House Journal, 4/21, p. 205 for amendment.

Sen. Lamontagne moved concurrence.

SB 25, relative to the Dept. of Centralized Data Processing.



See House Journal, 4/22, page 249 for amendment.

Sen. PORTER moved the Senate concur: The amendment they offered was deletion of the last sentence of Section 4 which is in a sense a redundant sentence.

Sen. KOROMILAS: How does this House amendment affect the Employment Security?

Sen. PORTER: It does not prevent them from working with The Data Processing Commission.

Sen. LAMONTAGNE: If that is the case, what happens to the equipment that was put in there by the federal government?

Sen. PORTER: It is still there.

Sen. LAMONTAGNE: I have had a statement from the Data Processing Commission.

Sen. Koromilas spoke in opposition to the pending motion.

Sen. Bradshaw spoke in support of pending motion.

Sen. PORTER: Have you read the letter that Sen. Lamontagne has offered?

Sen. BRADSHAW: No.

(Discussion)

Sen. Koromilas moved the bill be laid on the table.

Sen. Claveau requested a Division.

Sen. GILMAN: If the matter is laid on the table, it can be taken off the table at any time?

The CHAIR: Yes, at any time.

Sen. BOURQUE: By a majority vote?

The CHAIR: Yes.

Thirteen voted yes. Six voted no. Laid on the table.

House Concurrence and request for  
Concurrence in Amendment

SB 21, to clarify the authority of the water supply and pollution control commission.

See HJ 4-21, pages 203-204 for amendment.

Sen. PORTER moved the Senate concur, and spoke in support. The section that was changed by amendment clarifies slightly in Part 4. The clarification whereby the municipality agreed by legal action and other such reasonable conditions to ensure continuation of this operation plan.

Adopted.

### SPECIAL ORDER OF BUSINESS AT 1:01

Sen. Porter called for the Special Order. Being consideration of:

#### **HB 15**

to define jurisdiction over dredge and fill operations in waters and wetlands located in this state. Question on amendment offered by Sen. Gilman.

Sen. PORTER: I am in opposition to the amendments offered by Sen. Gilman. The amendments were received too late to take action and make a study. They are certainly worthy of merit. The remainder of the bill dealing with dredging and fill operations — I would urge that the amendment not be passed in order that additional study may be done.

Sen. GILMAN: I rise in support of the amendments offered. I might say that this is a particularly appropriate day to consider this. It being Earth Day. The amendments would provide 3 things. 1. That the information would be transmitted to the Fish & Game Commission and particularly that the notice would be posted and that conservation officers would have the power to arrest. The last might need additional study, but it seems unnecessary to me to need further study for dredging and fill. As I said yesterday, while this is being done, some very bad damage could be done. I regret the Committee has not had sufficient time to study further. I will withdraw my amendments.

Ordered to third reading.

Sen. Jacobson moved the Senate Recess until 8:30. Adopted.

### SUSPENSION OF THE RULES

Sen. Ferdinando moved suspension to allow Committee Report.

**HB 53**

relative to sick leave for employees of the city of Manchester. Ought to pass. Sen. Ferdinando for Special Committee, Manchester Delegation.

Sen. FERDINANDO: Passed House unanimously. Sponsored by Robert Raiche, Maria Carrier, and Kimon Zachos.

Changes Manchester City Charter by eliminating the present discriminatory feature which places Manchester alone as the only city or town which has maximum sick leave for employees determined by city charter. The essence of HB 53 is to allow the Board of Aldermen to set sick leave for municipal employees and the Board of School Committee to set sick leave for teachers. This would grant these two governing bodies the same rights as is the case for their counterparts throughout the rest of New Hampshire.

This measure if passed by the Senate will be placed on referendum at the November 3 election. If adopted, sick leave for Manchester city and school district employees will in the future be set locally and not be a matter for legislative concern.

Sen. SPANOS: For the first time in this entire session, I rise in support of Sen. Ferdinando.

Sen. MARCOTTE: I rise in support, also.

Sen. MASON: What was the vote of the Senatorial Delegation of Manchester?

Sen. FERDINANDO: I think 4 to 0.

Ordered to third reading.

Sen. English moved suspension to permit Committee Report.

**HB 16**

authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council. Ought to pass. Sen. Foley for Education.

Sen. ENGLISH: The title suggests the nature of the bill. This will assist the colleges and result in savings. There was no opposition at the hearing. Richard Peale of P. & P. was at the hearing and had no opposition. I yield to Sen. Foley.

Sen. FOLEY: The New Hampshire College and University Council consisting of both private and public institutions including Franklin Pierce College, Mount St. Mary College, New England College, Notre Dame College, Plymouth State College, Keene State College, Rivier College, St. Anselm's College and the University of New Hampshire, is an organization that for four years has substantially raised the higher academic level in New Hampshire by joint efforts such as: (1) The exchange of students, (2) The development of centralized libraries, (3) Joint faculty appointments, and thirty-two other programs.

By working together the small private liberal arts colleges and the State University System have made available to students in all colleges the resources of each. The Council purchases little used, but very expensive books, for example, for the use of all to avoid duplication. It runs an hourly bus system between three of the colleges in order to take advantage of laboratories in one and staff in the other.

In order to effect more economies and thus release more money for student benefit, it now desires to utilize the State purchasing system. The Council has discussed this with Mr. Peale, and introduced HB 16 which was heard by a joint House-Senate Committee and passed by the House. This bill will require no expenditures of funds or additional burdens upon the State purchasing system, as each college through its own purchasing agent will do all the paper work. It merely seeks the added purchasing power of the State, the available contracts with specifications and especially the information contacts available.

Sen. Leonard moved suspension to permit introduction of Committee Report.

## HJR 2

establishing a Commission to recommend changes in the Councilor Districts. Pass with amendment. Sen. Leonard for Judiciary.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

There is hereby established a commission to study and to make recommendations relative to redistricting the

five councilor districts based on the 1970 federal census that they may conform to all statutory and constitutional requirements. Said commission shall be composed of ten members. The speaker of the house shall appoint five members of the house of representatives, one from each councilor district and of said five members two shall be members of the minority party. The president of the senate shall appoint five members of the senate, one from each councilor district and of said five members two shall be members of the minority party. To accomplish its purposes as provided herein the commission shall have full authority to accept any available assistance in its work and to employ such assistants as it may deem necessary and shall have full power and authority to request information from all governmental departments and agencies. Further, the said commission is hereby authorized to apply for and receive for expenditure for the purposes of this resolution any federal or private gifts or grants as the same may become available and such private funds when received shall be deemed a contribution to the state for a public purpose within the meaning of any federal or state laws relative to tax exemptions. It shall make a report of its findings and recommendations to the general court not later than January 15, 1971.

Sen. KOROMILAS: HJR 2 pertains to setting up a Commission to look into the Councilor Districts which seem to be out of kilter in terms of population. It appears that they are disproportioned and go beyond what is allowed by the federal court. This Commission would study this matter before the next session of the Legislature. The bill provided for 5 members to be appointed by the Speaker and 3 by the President of the Senate. We feel that there should be 5 members from the Senate and 5 from the House. We do not believe that there should be this 5 to 3 area in this matter. We are just as involved as the House is. This has its ramifications. If it is carried out on this 5 and 3, the House will organize the Commission, name the Chairman, etc. Another aspect is to allow the Minority Party to have at least 2 from each body. The bill would allow 2 members in the House and 2 members in the Senate. It also specifies this membership should be 1 from each Councilor District.

Sen. SPANOS: I rise in full support of the Committee report. There was an effort made to have this legislation consid-

ered at this special session. I thought it was wrong and the Committee thought it was wrong not to wait until after the census of 1970 figures were available. There was also a provision in the original bill that would have provided for 1 member of the Commission to be a member of the Governor's Council. The Committee felt very strongly that this should not be. I ask your support.

Sen. MARCOTTE: I rise in full support of the sentiments of Sen. Koromilas relative to HJR 2 as amended. It is about time the Senate showed that the Senate is an equal body with the House.

Amendment adopted. Ordered to third reading.

Sen. Leonard moved suspension to permit Committee Report.

### **HB 32**

providing for a Board of Registrars for the city of Nashua. Pass with amendment. Sen. Leonard for Special Committee, Nashua Delegation.

Amend section 30 of the laws of 1913, 427 part I as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

Sect. 30. The board of registrars of the city of Nashua is hereby empowered to appoint up to two deputy employees, who may execute any instrument required by law to be signed by a member of the board of registrars, and in the absence or disability of a member of the board of registrars shall perform all of his duties, including the registration of voters. The board of registrars are also empowered to appoint such temporary deputy registrars as they deem necessary. Such deputy registrars shall hold office during the pleasure of the board of registrars.

Sen. Leonard explained the amendment.

Amendment adopted. Ordered to third reading.

### **TAKEN FROM THE TABLE**

Sen. Leonard moved that SB 25, relative to the Dept. of Centralized Data Processing, be taken from the table. Adopted.

Sen. Jacobson moved the Senate non concur with the ac-

tion of the House and request appointment of Committee of Conference. Adopted.

## HOUSE MESSAGE

### House Passage

HB 56, relative to the definition of obscenity.

The CHAIR: It will require a suspension of the rules for this bill to be introduced.

Sen. English moved suspension to allow HB 56 to come before the Senate at the present time.

Sen. Koromilas moved that the rules of the Senate be suspended to allow the introduction of a Committee Report not previously advertised in the journal. Motion adopted.

### HB 56

relative to the definition of obscenity. Ought to Pass. Sen. Leonard for Judiciary.

Sen. BOURQUE: The definition of obscenity as contained in the statutes is now obsolete due to the Supreme Court decision. This bill will update the definition of obscenity to conform with Supreme Court definition.

The report of the committee was adopted and the bill was ordered to a third reading, at the late session.

Sen. SPANOS spoke on Personal Privilege, as follows. In the last three or four days, there have been several bills introduced in this body. I know they are administration measures. No matter what they are they should have the endorsement of the Rules Committee of this body. I must admit — and I do not blame the Chair — I have not been consulted on these measures. I have supported them, but I don't feel the procedure we take at this time is the correct one. I feel as a member of the Rules Committee and Minority Party when a matter of this importance is concerned we should be consulted. I regret that it has not been done. It is excusable to some degree, but still I think some effort should be made before these measures come before this body.

Sen. Leonard moved that the rules be suspended to allow a committee report not previously advertised. Motion Adopted.



**CA-CR 5**

Relating to: Amendment of Proposal relative to Art. 15, Part Second of the Constitution. Ought to Pass with Amendment. Sen. Leonard for Judiciary.

Amend the concurrent resolution by striking out everything after the resolving clause and inserting in place thereof the following:

I. Resolved, That in case the proposed constitutional amendment relative to annual sessions is not adopted That Article 15 of Part Second, (supp) as amended in 1960, of the Constitution of New Hampshire be amended by striking out said article and inserting in place thereof the following:

[Art.] 15th. [Compensation of the Legislature Established by Commission.] There shall be a legislative compensation commission consisting of seven members, three of whom shall be appointed by the governor with the approval of the council and four (4) of whom shall be appointed by the supreme court, which shall biennially establish the compensation, and the unit amounts of expense allowances (which shall include, but not be limited to, mileage expense) to be paid to the members and presiding officers of the general court seasonably attending its sessions and not departing without license; provided that no legislator shall receive compensation or an expense allowance after the legislature shall have been in session for ninety legislative days during any term for which he is elected; except that when a special session shall be called by the governor or by a two-thirds vote of the then qualified members of each branch of the general court, such officers and members shall receive expense allowances for an additional period not exceeding fifteen (15) legislative days. Each member of the commission shall be appointed for a term of seven years or until his successor is appointed and qualified, provided that for the initial appointment of the commission the supreme court shall appoint one member for a term of one year, one for a term of three years, one for a term of five years, and one for a term of seven years; and the governor shall appoint one member for a term of two years, one for a term of four years, and one for a term of six years. Vacancies shall be filled by the original ap-

pointing authority for the unexpired term of the member whose death, resignation, or disqualification causes the same. The members of the commission shall be residents of this state and shall be appointed without regard to political affiliation. No one shall be appointed to the commission who is a member of the legislature or who is an official or employee of the state of New Hampshire or any department, agency or political subdivision thereof or of any agency or institution to which any state funds are appropriated. On or before April first of each year in which a biennial election is to be held, the commission shall establish, for the coming biennium, the compensation for services to be rendered by members of the legislature and the unit amounts of their expense allowances incident to their legislative activities, except that said commission shall first set the compensation and unit amounts of expense allowances for the 1973 session of the legislature on or before the first day on which that legislature convenes. The compensation and unit amounts of expense allowances so established shall be filed with the secretary of state immediately after being fixed. The secretary of state shall lay the same before each house of the general court at the convening of each biennial session when, in order to become effective, it shall be recorded in the journal of each house.

Nothing herein shall prevent the payment of additional expense allowances to members attending committee meetings or on other legislative business, as the general court shall provide, on nonlegislative days.

I-a. Resolved, That in case the proposed constitutional amendment relative to annual sessions is adopted that Article 15 of Part Second (supp) as amended in 1960 of the Constitution of New Hampshire be amended by striking out said article and inserting in place thereof the following:

[Art.] 15th. [Compensation of the Legislature Established by Commission.] There shall be a legislative compensation commission consisting of seven members, three (3) of whom shall be appointed by the governor with the approval of the council and four (4) of whom shall be appointed by the supreme court, which shall biennially estab-

lish the compensation, and the unit amounts of expense allowances (which shall include, but not be limited to, mileage expense) to be paid to the members and presiding officers of the general court seasonably attending its sessions and not departing without license, provided that no legislator shall receive compensation or an expense allowance after the legislature shall have been in session for ninety legislative days during any term for which he is elected; except that when a special session shall be called by the governor or by a two-thirds vote of the then qualified members of each branch of the general court, such officers and members shall receive expense allowances for an additional period not exceeding fifteen (15) legislative days. Each member of the commission shall be appointed for a term of seven years or until his successor is appointed and qualified, provided that for the initial appointment of the commission the supreme court shall appoint one member for a term of one year, one for a term of three years, one for a term of five years, and one for a term of seven years; and the governor shall appoint one member for a term of two years, one for a term of four years, and one for a term of six years. Vacancies shall be filled by the original appointing authority for the unexpired term of the member whose death, resignation, or disqualification causes the same. The members of the commission shall be residents of this state and shall be appointed without regard to political affiliation. No one shall be appointed to the commission who is a member of the legislature or who is an official or employee of the state of New Hampshire or any department, agency or political subdivision thereof or of any agency or institution to which any state funds are appropriated. On or before April first of each year in which a biennial election is to be held, the commission shall establish, for the coming biennium, the rate of compensation for services to be rendered by members and presiding officers of the legislature and the unit amounts of their expense allowances incident to their legislative activities, except that said commission shall first set the compensation and unit amounts of expense allowances for the 1973 session of the legislature on or before the first day on which that legislature convenes. The compensation and unit amounts of expense allowances so established shall

be filed with the secretary of state immediately after being fixed. The secretary of state shall lay the same before each house of the general court at the convening of each biennial session when, in order to become effective, it shall be recorded in the journal of each house.

Nothing herein shall prevent the payment of additional expense allowances to members attending committee meetings or on other legislative business, as the general court shall provide, on nonlegislative days.

II. Resolved, That the above amendments proposed to the Constitution be submitted to qualified voters of the state at the regular biennial election to be held in November, 1970.

III. Resolved, That the selectmen of the several towns, cities, wards, and places in the state are directed to insert in their warrants for the said 1970 election an article to the following effect: To take the sense of the qualified voters whether the amendments of the Constitution proposed by the 1969 session of the General Court shall be approved.

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the general court.

Are you in favor of amending the constitution by abolishing the current provisions for paying legislators two hundred dollars for a two-year term plus mileage and by establishing, instead, a legislative compensation commission, appointed by the governor and council and the supreme court, to biennially set the compensation and amounts of expense allowances for members of the general court; provided that the current ninety-day limit of days for which mileage may be paid shall be retained as a limit on payments of compensation and expense allowances for legislative days (the limitation of July first for stopping of mileage payments being eliminated) and that additional expense allowances may be paid for fifteen legislative days of a special session and may be paid on nonlegislative days spent on legislative business as provided by the general court?

V. Resolved, That the Secretary of State be required to print the question to be thus submitted on a separate ballot or on the same ballot that other constitutional questions proposed by the General Court, if any, are submitted. Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question; and the voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments Proposed by the 1969 General Court, and the 1970 General Court" shall be added at the top of the ballot in bold type.

VI. Resolved, That if the proposed amendment is approved by the requisite number of votes the article establishing a legislative compensation commission shall take effect when the governor shall proclaim the amendment adopted with the proviso that provisions of (Art.) 15 of Part Second, (supp) as amended in 1960, of the Constitution of New Hampshire relating to compensation and mileage payments for members of the general court shall continue in full force and effect until the report of the legislative compensation commission shall have been laid before the general court and recorded in the journals of the senate and house of representatives on the day of convening for the 1973 biennial session.

Sen. LEONARD: A few weeks ago, we passed a resolution for annual sessions. This caused a legal tangle in Legislative Services, so CACR 5 was devised to take care of this. It provides for a commission to set compensation for the Legislature every two years. This was passed last year, but it is necessary because of the legal tangle. The amendment is a housekeeping amendment that takes care of the language as devised by Rep. Newell of Concord.

Amendment adopted.

Sen. KOROMILAS: I would like to explain the legal tangle. When the House and Senate passed this particular bill

to allow a Commission to determine the salary of the Legislature that particular bill had a limitation, that is, it was limited to 45 days in one year and 45 days in the second year. CACR 1 left the option open with any limitation.

The bill was ordered to third reading, at the late session (17 yeas, 1 opposed).

Sen. Jacobson moved that the rules be suspended to allow a committee report not previously advertised. Motion Adopted.

## HB 12

repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. Ought to pass with Amendment. Sen. Claveau for Executive Departments.

Sen. JACOBSON: Mr. President, I originally introduced SB 174 which provided for two things: it provided for a public hearing on a bond issue and it also provided for a printed ballot vote on that bond issue. There was considerable confusion created in various manners and in various ways. A number of those confusions were straightened out by the Attorney General's office and the procedure, where it was followed, worked well with regard to granting its intention, and that is the maximization of the opportunity to vote for every individual. I could cite you many examples of this. I take, for example, the instance of Salem, New Hampshire, and I have in my file about 30 letters opposed to HB 12. In that town, the meeting place was limited to 750 voters. They have over 7,000 people on the check list. In other words, under the old procedures, approximately 7,000 people would be effectively excluded from their right to vote on an issue which profoundly affects them.

In our own regional school district, of which I happen to be the Moderator, we have approximately 4,000 people on the check list who must travel a distance of anywhere from a few feet to 30 miles. We too had the rule established because of fire hazards of only 750 people meeting in the hall. This too would effectively exclude the remaining portion of the people from participation and the right to vote.

Now I realize there has been a great deal of lobbying on behalf of HB 12 and in particular with respect to the Department of Education. I was elected to this Senate to serve the

public interest and I believe that the public interest in all matters should be greater than any private interest, whether it be institutional or personal. And when persons are effectively denied full opportunities to vote, that is a dangerous situation.

There has been a lot of discussion about democracy and I even heard the fantastic story that democracy originated with the Indians. This is not true. I cannot see how we can talk about democracy and then turn around and effectively deny the full and maximum opportunity to participate. I realize there were bugs in the bill although I believe that some of the bugs were even artificially contrived. However, I believe at least the minimum of protection should be provided for the public. So, in consultation with the Committee on Executive Departments, Municipal & County Government, I spent a great deal of time discussing this matter. They will testify that I have done what I can to restore democracy and at the same time provide the minimal protection for the public interest.

What my amendment to HB 12 does is it reserves the hearing requirement. It changes in that hearing requirement the word "body" to "board" as it was originally in order to make it properly correct. It also changes or deletes one word and that is the word "final" in the phrase "the final form" to leave it so that it reads: "the form and amount of the proposed bond or note issue as it shall be presented to the voters for approval pursuant to the provisions of RSA 33:8." In other words, when it goes to the voters, it can be amended. Also there is added that wherever there is a Municipal Budget Committee that shall count for the hearing and there need not be an additional hearing which would take away one of the objections. The procedure that exists in HB 12 is preserved. We are returning to the old procedure with one exception and that exception is that any article calling for a bond issue shall be the first article on the warrant except in the case of the election of officers when it shall be the second article in the warrant. Then there will not be what has happened time after time and that is it is down on the 10th, 11th or 12th article in the warrant. You have a late meeting and it goes to 11 o'clock at night; 12 o'clock; 1 o'clock. Discussion will take place early and almost immediately at any such special or annual meeting. Then, in order to provide the opportunity for an alternate form of voting, there is in part of the amendment an option procedure described whereby, if 5%



of the municipality so petitions, an article will go into the warrant of any special or annual meeting whereby that meeting may adopt a procedure whereby voting on bond issues shall take place in either of one or two ways. That is, if the special or annual meeting begins before 2:00 p.m., voting shall take place immediately after conclusion of discussions and the polls shall be open for a period of 5 hours. If the meeting is in the evening, the voting shall take place the next day and the polls shall be open between the hours of 2:00 and 7:00 p.m. I would remind you this is an option on the part of each municipality so that, if the municipality so that, if the municipality wants to have the old procedure, with the one exception I mentioned, they may do so; if they would like to have maximum opportunity for voting, they may do so. It will be the option of each municipality in the same way that it is the option of a community to accept site plans, etc.; the same way as it is the option of a municipal government to have two days for town meeting — one day for voting on officers and one day for discussion of the articles. It is the same method as the optional adoption of the Municipal Budget Act. This voting procedure then would be optional for each group. If you would like to preserve the maximum opportunity, this would be the procedure available.

In this increasingly complex society, I do not believe it is fair to the people to maintain and continue with the options and the rules and regulations that are far outdated, that are archaic and do not relate to the kind of community we have in the 1970's.

Sen. TUFTS: I hope that I too will be speaking for a democracy. I will speak briefly and my remarks will be very short.

As you can see, this is a very complex matter. At the time the bill was introduced in the House, it was intended to wipe out all the problems that had arisen when we changed it in the last session. The Senate has proposed an amendment which at first was going to make some corrections in the law, but as it turns out, at this late hour, it is now going to be just permissive, so the 5%. That has changed during the day today. So the amendment that I thought I was going to oppose earlier today does not seem to be the same one that we have now. As you can see, there were a number of problems that arose and this confused attorneys in the Attorney General's office as well as bond counsel. So, it is my general feeling that if there is merit

in this matter, and if it is true that there should be some updating, there should be some agreement reached between now and under the law that is proposed so that these matters may be ironed out. It seems to me that because there was so much confusion, that bond counsel should be invited to participate, and the Attorney General so that this may be written so that the confusion that did arise will not take place.

There are certain other matters if you will delve back into your memory you will be able to picture the fact that public hearings are held before Town Meetings, and before school meetings. The public hearings that are held on the matters of the sewer, of the water improvements, or for the schools are not very well attended. There are far, far more people who attend the school meetings and the Town Meetings than turn out for these public hearings. The town of Exeter, for instance, existed under a rule for 36 years which bound the town to a vote before the Supreme Court threw it out as a citizen tested it. It required the town of Exeter to vote on the written ballot every article calling for a special appropriation of over \$500. Exeter labored under this for 36 years, until it finally threw off the yoke. The idea being that you vote all day long and you have your discussion on the article somewhere in the middle of the day. So that the people are not informed. They neither go to the public hearing beforehand, nor do they hear it before the people are streaming through the polls starting at 8 or 10 o'clock in the morning. So the populace of the votes is *not* informed on the matter. Furthermore, these hearings are being attended far more — if the town hall is not adequate, then they meet in the school hall and those people that do come to those meetings, who do hear the discussion are far more capable and informed voters than they are if they didn't attend the public hearings beforehand. Furthermore, if you have that vote, you are not able to do the reconsideration which we have exercised here in the Senate within the last week. I point out again that this not only indirectly involves solely school issues, but both the building of sewerage plants, municipal offices, schools, urban renewal programs, etc. I hope that you will agree that it is not clear, that it should be studied and well formulated and that we should go back to the old system.

Sen. Jacobson requested a Roll Call, seconded by Sen. Koromilas. On a vote of 10 to 10, the amendment was defeated.

The following Senators voted in the affirmative: Armstrong, Jacobson, Spanos, English, Porter, Leonard, Ferdinando, Gove, Marcotte, Claveau.

The following Senators voted in the negative: Lamontagne, Gilman, Townsend, Gardner, Bourque, Provost, Mason, Koromilas, Tufts, Foley.

The bill was ordered to third reading, at the late session.

Sen. Gilman moved the rules be suspended to allow a committee report not previously advertised in the journal. Motion adopted.

### **HB 28**

providing for medical facilities at the industrial school and making an appropriation therefor. Ought to pass. Sen. Gilman for Finance.

Sen. GILMAN: This bill was discussed this afternoon. The Committee reviewed the financial aspects of this bill. It provides new facilities at the Industrial School out of a bond issue. We feel this is needed and urge the adoption of this committee report.

The report of the committee was adopted, and the bill was ordered to a third reading, at the late session.

Sen. Gilman moved that the rules be suspended to allow the introduction of a Committee Report not previously advertised. Motion adopted.

### **HB 30**

making appropriations for the treatment and prevention of alcohol and drug abuse. Ought to Pass with Amendment, Sen. Gilman for Finance.

Sen. GILMAN: We are all familiar with this. It is an appropriation bill implementing the Chapter passed last year. The position taken by the Finance Committee was that it should be fully implemented and we have accepted the recommendations of the Executive Committee. We therefore urge the adoption of the amendment which would fund this at over three hundred thousand dollars. Our position has been that some emphasis should be put in the area of education. We have added an additional consultant whom we hope will work with the school

children. The only other chance is of the rank of Captain in the State Police. Our thinking was that it is not proper for the Legislature to legislate rank. I don't dispute the need for the staffing of the office, but feel the department should set the rank for that office.

The amendment was adopted and the bill was ordered to third reading, at the late session.

Sen. Gilman moved that the rules be suspended to allow the introduction of a committee report not previously advertised in the journal. Motion adopted.

### HB 6

providing for consumer protection and making an appropriation therefor. Ought to Pass with Amendment. Sen. Gilman for Finance.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Appropriation. There is hereby appropriated the sum of forty-five thousand, two hundred twenty-six dollars for fiscal year 1971, to be expended by the attorney general for the purposes of this act as follows:

	1971
Assistant attorney general	\$15,226
Permanent personnel	
2 Investigators (labor grade 19)	16,156
Legal steno II (labor grade 10)	5,309
Equipment	
Desks and chairs (3)	1,000
Typewriter and stand (1)	535
Current expenses	2,000
Travel	
In state	4,000
Out-of-state	1,000
	<hr/>
Total	\$45,226

This appropriation shall be in addition to all other appropriations for the office of attorney general. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Sen. GILMAN: The Consumer Protection Bill heard in our committee was debated to some extent and came out with a vote by the Chairman. The position taken by the majority of the committee was that this was desirable legislation and any efforts made by the state in trying to prevent fraud or cheating in the state is worthy of our support. The funds for 1970 were deleted in the amount of \$11,000, but it was agreed to make the appropriation effective July 1, 1970 for the Attorney General.

Sen. KOROMILAS: How much is the appropriation for fiscal 1971?

Sen. GILMAN: About \$35,000.

The amendment was adopted and the bill was ordered to third reading, at the late session.

Sen. Gilman moved that the rules be suspended to permit the introduction of a committee report not previously advertised in the journal. Motion adopted.

## HB 2

increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor. Ought to Pass with Amendment. Sen. Gilman for Finance.

Amend the bill by striking out sections 7, 8, 9, and 10 and inserting in place thereof the following:

7 Certain Classified State Employees Adjustments. Amend RSA 99 by inserting after section 9 (supp) the following new subdivision:

### Automatic Salary Adjustments

99:10 Cost of Living Adjustments. Notwithstanding any other provisions of this chapter or any other statute relative to salaries of classified state employees in labor grades one through eleven inclusive, said salaries shall be adjusted upward in accordance with the following provisions based upon the cost of living index as prepared by the United States bureau of labor statistics: Whenever the cost of living index rises three percent and remains constant or continues to rise for a period of sixty days, the director of personnel shall adjust all salaries of classified state employees in labor grades one through eleven in-

clusive by increasing the same by three percent. Said adjusted salaries shall remain at such increased level unless further increased in accordance with the provision of this section. For the purposes of the first of such increases, the base shall be the cost of living index as of April 1, 1970.

For any such further increase the base shall be the index at the time of the previous increase.

99:11 Payment of Adjustments. The salary adjustments provided for in RSA 99:10 shall be a charge against the salary adjustment fund.

8 Salary Adjustment Fund. Amend RSA 99:4 as amended by 1961, 221:15 by striking out in lines eight and nine the words "This fund shall lapse at the end of each biennium and revert to the appropriate fund." and inserting in place thereof the words (Any amount in this fund which exceeds one million eight hundred thousand dollars shall lapse at the end of each biennium and revert to the appropriate fund.) so that said section as amended shall read as follows: 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state departments and institutions include an annual increment for each position, and whereas upon occasion due to vacancies and personnel turnover, salaries, increment increases and longevity as provided by the appropriations are not needed for said positions, each quarter the department of administration and control shall transfer said amount from the departmental or institutional appropriation to a special account to be known as the salary adjustment fund. Any amount in this fund which exceeds one million eight hundred thousand dollars shall lapse at the end of each biennium and revert to the appropriate fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon the certification of the director of personnel, subject to the approval of governor and council, the salary adjustment fund shall be available for transfer to departments and institutions in amounts that are deemed necessary to comply with chapter 98, RSA.

9 University of New Hampshire. There is hereby appropriated for the fiscal year ending June 30, 1971 the sum of one hundred and forty-four thousand four hundred

and thirty nine dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the salaries of the nonacademic employees on the following campuses and in the following amounts: University of New Hampshire \$113,754.00, Keene state college \$14,749.00 and Plymouth state college \$15,936.00. This appropriation shall not be transferred or expended for any other purpose. The governor is authorizer to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

10 Effective Date. Sections 1, 2, 3, 4, 5, 7 and 8 shall take effect retroactive to April 1, 1970. Sections 6 and 9 shall take effect upon passage.

Sen. GILMAN: The Finance Committee made no adjustment in the dollar amount. We did consider and discuss the matter of the escalator clause. This provision is full of question, but we accept the position of the Executive Department, and have left it with the idea that it applies only to Labor Grades 11 and under. A much larger percent of income is spent in these grades for the necessities, i.e., food, clothing and shelter. This should then become their base, but if the cost of living goes down, they will not be penalized and lose this amount. This cost of living factor should not apply to those people in a salary status. We did think it was necessary for the lower grades, so we have established this clause in the lower 11 grades.

Sen. JACOBSON: Sen. Gilman and I discussed this in the recess and I feel that the amendment has substantial merit, and it pertains to those people who most need to have a cost of living increase in terms of percentage, and as Sen. Gilman has stated, it is this group of people who suffer the most in the cost of living in terms of the essentials of life. I support this amendment.

Sen. ARMSTRONG: What is the general fund amount?

Sen. GILMAN: The general fund allocation under HB 2 is \$945,954.

Sen. PORTER: What would happen if in Grade 11 we had a cost of living increase and they were making more than the Grade 12.



Sen. GILMAN: We considered this, and it is highly improbable in a twelve month period that this would happen, but it is true that a grade 11 would make more than grade 12, but it would be reviewed in a twelve month period. I don't recall whether the amendment carried the provisions under the University system. I should call the attention of the Senate to the second part of the amendment offered by the Finance Committee. The University system communicated with the governor indicating that the span between state employees and the University employees now is a difference in favor of state employees. It was the President's position that they would live with this differential and could retain the employee level. However, there has been substantial changes in the amendments which now make a difference. In these circumstances, the University system does not feel they can allocate these funds. They therefore have requested that we consider an appropriation of \$140,000 which would apply to the three systems — the University, Keene and Plymouth. I think it only fair to tell the Senate this is a change in the general fund and a charge to it of \$140,000, but we think it is reasonable and sound. I urge this appropriation be adopted.

Sen. KOROMILAS: I rise in support of the second amendment with respect to the nonacademic employees who work in the University system. My immediate interest is of course to the University system at Durham, and my constituents. I think it would be unfair to give the entire state employees a salary increase and allow this difference. I feel if the state employees are going to get a piece of the pie, what is good for the goose is good for the gander. I strongly support the second amendment.

The amendment was adopted.

Sen. Marcotte recorded in favor of this amendment.

Sen. SPANOS: I am in favor of the goose and gander, so I vote for both measures.

HB 2 was ordered to third reading, at the late session.

Division vote on Sen. English's motion.

Thirteen voted yes. No one voted no.

Motion prevails.

## First, second reading &amp; reference

HB 56, relative to definition of obscenity. Referred to Judiciary.

Sen. English moved suspension as to dispense with reference to Committee, listing in Journal and that the matter be taken up at the present time.

Sen. KOROMILAS: I would like to have a Committee since we have the time to meet in the Dartmouth Corner to discuss this particular bill for a very brief period.

Motion to suspend was lost.

## COMMITTEE REPORT

## HB 51

making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971. Ought to pass with amendment. Sen. Gilman for Finance.

Amend the title of the bill by adding at the end thereof the following: (providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor) so that said title as amended shall read as follows:

## An Act

making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations. The sums hereinafter detailed in this act are hereby appropriated to be paid out of the

treasury of the state for the purpose specified for the branches and departments named, by section 2 of the act for the fiscal year ending June 30, 1970 and by section 3 of the act for the fiscal year ending June 30, 1971. Said appropriations are in addition to any other appropriations made for said fiscal years for any of said branches or departments.

## 2 Appropriation for Fiscal Year Ending June 30, 1970.

### Department of resources and economic development

Office of the commissioner New England river basins commission	\$ 6,300
--	----------

### Division of Parks

Flume sewage disposal system	47,223
Less federal funds	23,611

Net appropriation	23,612
-------------------	--------

Total department of resources and economic development	\$29,912
---	----------

### Office of coordinator of federal funds

Equipment — to be used only for director of planning in said office and his staff.	2,000
--	-------

### Board of Accountancy:

Current expenses	750
------------------	-----

#### Travel:

In-state	50
----------	----

Total	800
-------	-----

### State Prison:

Maintenance of plant

Other expenditures

Conversion of heating system*	50,000
-------------------------------	--------

\*This appropriation shall not be transferred or expended for any other purpose.

Total appropriation for fiscal year ending June 30, 1970.	82,712
--	--------

## 3 Appropriation for Fiscal Year Ending June 30, 1971.

Department of health and welfare

Division of public health services

Maternal child health and crippled  
children's services

Other expenditures:

Rehabilitation \$50,000

Division of Welfare

Old age assistance:

State's share 279,570

Towns and counties 441,799

Less estimated revenue 441,799

Net appropriation 0

Federal 1,045,824

Less estimated revenue 1,045,824

Net appropriation 0

Old age assistance to aliens:

Towns and counties\* 81,733

Less estimated revenue 81,733

Net appropriation 0

Federal 118,495

Less estimated federal funds 118,495

Net appropriation 0

\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Aid to families with dependent  
children:

State's share 617,989

Federal: 895,948

Less estimated revenue 895,948

Net appropriation 0

Aid to needy blind:		
State's share		39,299
Federal:	56,976	
Less estimated revenue	56,976	
	<hr/>	
Net appropriation		0
Aid to permanently and totally disabled:		
State's share		16,574
Towns and counties*	99,671	
Less estimated revenue	99,671	
	<hr/>	
Net appropriation		0
Federal	168,529	
Less estimated revenue	168,529	
	<hr/>	
Net appropriation		0

\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Net appropriation for division of welfare		953,432
Division of mental health		
Office of director:		
Office of mental retardation:		
Other expenditures:		
Grants for community development centers		50,000
Office of community mental health services:		
Other expenditures:		
Grants to community mental health services	200,000	200,000
	<hr/>	
Total for office of director		250,000

## New Hampshire hospital:

## Administration:

## Other personal services:

## Permanent

13,187

## Professional care and treatment:

## Personal services:

## Permanent

166,588

## Other

27,460

## Current expenses

5,000

## Drugs:

## Out patients†

7,909††

## In patients

12,500††

## Equipment

42,100

## Total

261,557

†Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

††These amounts shall not be transferred or expended for any other purpose.

## Custodial care:

## Personal services:

## Permanent

16,060

## Current expenses

6,110

## Equipment

28,300

## Total

50,470

## Operation of plant:

## Personal services

## Permanent

4,485

## Other

5,000

## Equipment

7,700

## Total

17,185

## Maintenance of plant:

## Personal services

## Permanent

10,618

## Current expenses

5,000

## Total

15,618

## Children's services:

Personal services

Other 5,000

Current expenses 5,000

Equipment 12,000

---

Total 22,000

Total for New Hampshire hospital \$380,017

Total for division of mental health \$630,017

---

Total for department of health  
and welfare \$1,633,449

## Department of education

Education of handicapped children

Education of handicapped

children 110,000

Education of deaf\* 22,000

Intellectually retarded children 58,000

Emotionally disturbed children 60,000

\*These funds shall be for payments to schools for board, room and tuition and shall not be expended for any other purpose, and no transfer shall be made therefrom.

## Vocational education acts:

Reimbursements to local school

districts as permitted by vocational

education acts 250,000

---

Total for board of education \$500,000
Department of resources and economic  
development:

Office of the commissioner:

New England river basins

commission \$6,300

Water supply and pollution control  
commission:

Office of commission:

Personal services:

Permanent \$198,903

Current expenses 51,097



Travel:	
In-state	18,000
	<hr/>
Total for water supply and pollution control commission	\$ 268,000
	<hr/>
Administration and control:	
Division of budget and control:	
Other expenditures:	
New England board of higher education:	
Grants	50,000
Real Estate commission:	
Other personal services:	
Permanent	4,277
	<hr/>
Total appropriation for fiscal year ending June 30, 1971	\$2,462,026

4 Elimination of Welfare Footnote. Amend Laws of 1969, 367:4 under the appropriation for the department of health and welfare, division of welfare, aid to families with dependent children, state's share by striking out the asterisk after the lines reading "Income disregard", "Day care", and "Foster care". Further amend said section by striking out the footnote after the appropriation for aid to families with dependent children which reads as follows: "\*This appropriation shall not be transferred or expended for any other purpose."

5 Repeal of Footnote Relative to Commission on the Arts. Amend Laws of 1969, 367:4 and 368:4 by striking out in the appropriation for the commission on the arts the asterisk after the line reading "Net appropriation \$10,000\*" and by striking out the footnote after said appropriation reading "\*State fund expenditures shall not exceed \$10,000".

6 New Chapter. Amend RSA by inserting after chapter 149-E (supp) as inserted by 1967, 147:13 the following new chapter:

## Chapter 149-F

## Control of Algae and Other Aquatic Nuisances

149-F:1 Control. The water supply and pollution control commission is authorized to utilize such methods of control and to employ such personnel, consultant services, and equipment as, in its judgment, will control aquatic nuisances, plant or animal in the surface waters of the state as defined in RSA 149:1.

149-F:2 Agent to Receive Funds. The commission shall be the agency to receive and utilize federal funds, gifts, or grants from any person or association, which may be made available for the purposes of this chapter.

7 Appropriation. There is hereby appropriated the sum of one hundred twenty-five thousand dollars for the purposes of RSA 149-F as inserted by section 6 of this act. Said appropriation shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Appropriation. There is hereby appropriated for the payment of refunds as certified by the state tax commission provided for by 1970, 5:20, the sum of two hundred twenty thousand dollars. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

9 Tobacco Tax; Appropriation. In order to insure the payment of the tax upon tobacco products on hand and in the possession of licensees at the time 1970, 5:10 becomes effective the state tax commission is hereby authorized to employ such temporary help as may be necessary and procure such supplies, stamps, and other things necessary for the purpose and the sum of forty-five hundred dollars is hereby appropriated to defray the cost thereof. Said appropriation shall not lapse at the end of the fiscal year but shall continue and be available so long as there is need therefor. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Appropriation for OASI. There is hereby appropriated in addition to any other sums appropriated for

OASI for fiscal 1970 the amount of one hundred sixty thousand dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Insertion of Footnote. Amend the appropriation in 1969, 368:4 for old age assistance to aliens in the department of health and welfare, division of welfare by striking out said appropriation and inserting in place thereof the following:

Old age assistance to aliens:

Towns and counties*	\$192,107
Less estimated revenue	192,107

---

Net appropriation

Federal	\$251,700
Less estimated revenue	251,700

---

Net appropriation	0
-------------------	---

\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

12 Extensions of Water Resources Appropriation. The balance of the appropriation made for the water resources board by 1967, 394:1, VII as amended by 1969, 51:2 shall be available for expenditure until June 30, 1973.

13 Appropriation for Printing of RSA Supplements. Amend 1969, 86:2 by striking out in line one the word "thirteen" and inserting in place thereof the word (seventeen) so that said section as amended shall read as follows: 86:2 Appropriation. The sum of seventeen thousand dollars is hereby appropriated for the purposes of this act relative to the supplements for the 1971 session of the general court. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

14 Appropriation for Bicentennial Commission. Amend 1969, 455 by inserting after section 4 the following new section: 455:4-a Life of Commission and Appropriation. The commission shall continue in existence until thirty days after the two hundredth anniversary of the effective date of the definitive Treaty of Peace with Great Britain which terminated the American revolution. For the purposes of the commission, there are hereby appropriated the sum of seven hundred fifty dollars for the fiscal year ending June 30, 1971 and said appropriation shall be continuing appropriations and shall not lapse. The governor is authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

15 Revised Statutes Annotated. The secretary of state, with the approval of the attorney general, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the recompilation of volume 1 of revised statutes annotated into two volumes. The contract for recompilation shall provide for the editorial preparation, including renumbering of chapters and sections, and execution and integration of new acts, of acts specifically or generally amending existing law, and of notes and annotations, publication, and distribution of the two volumes, which shall be designated 1 and 1-A. The reprinting of the volumes shall follow the general scheme for the original printing of revised statutes annotated. The provisions of RSA 8, relative to competitive bidding for state purchases, shall not apply to the contract authorized under this act.

16 Sales. The secretary of state, with the approval of the attorney general, is authorized to contract with the publisher of recompiled volume 1 of the revised statutes annotated for the sale of replacement volume 1 and 1-A to the public at a price to be determined by the secretary of state.

17 Distribution. The secretary of state is authorized to distribute official bound copies of replacement volumes 1 and 1-A of the revised statutes annotated free of charge in the following manner: One copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New

Hampshire revision commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the United States court of appeals for the first circuit, the district court of the United States for this district, the United States department of justice, the library of congress, the New Hampshire historical society, the secretary of state, the state treasurer, the comptroller, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, twenty copies to the office of the director of legislative services, and fourteen copies to the office of the attorney general. Any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of replacement volumes 1 and 1-A of the revised statutes annotated. The secretary of state may distribute additional copies of original and replacement volumes of the revised statutes annotated to state government departments, offices and agencies for official use, subject to the approval of the governor and council.

18 Appropriation. The sum of seventeen thousand five hundred dollars is hereby appropriated for the purposes of sections 15, 16 and 17 of this act. The governor is authorized to draw his warrant for the sum hereby appropriated, or so much thereof as may be necessary for the purposes hereof, out of any money in the treasury not otherwise appropriated.

19 Adjustments of Totals. Adjustments of any totals in 1969, 367 or 368 which are required because of any amendments made to either of said acts by this act are hereby made and authorized.

20 Sale of Sweepstakes Tickets. Amend the first footnote under the appropriation for sweepstakes commission in 1969, 367:4 by striking out the same and inserting in place thereof the following:

\*This appropriation shall not be transferred or expended for any other purpose. The liquor commission shall be reimbursed monthly for services rendered in the

sale of sweepstakes tickets in liquor stores at the rate of twelve cents for each such ticket sold.

Reimbursement to Liquor Commission. Amend the first footnote under the appropriation for sweepstakes commission in 1969, 368:4 by striking out the same and inserting in place thereof the following:

\*This appropriation shall not be transferred or expended for any other purpose. The liquor commission shall be reimbursed monthly for services rendered in the sale of sweepstakes tickets in liquor stores at the rate of twelve cents for each ticket sold.

21 Effective Date. This act shall take effect upon its passage.

Sen. GILMAN: Thils HB 51 can properly be entitled a supplemental budget bill. The projected spending recommended by the Finance Committee is \$6,013,502. Again, our action was not at all times unanimous, but our judgment is honestly and conscientiously arrived at. I must once again express appreciation to the Committee and also to our staff and that of the Legislative Budget Assistant's office, particularly Mr. Connor, and to Legislative Services office. I must confess that it is difficult with so little time to develop detailed knowledge in this complex and ever changing area. We have done our best.

Using the recommended appropriation total of slightly over 6 million dollars, we have done our best.

Using the recommended appropriation total of slightly over 6 million dollars, we have estimated unrestricted revenue of 7.3 million dollars which would provide a surplus of about 1.3 million dollars at the end of business June 30, 1971. It was our intention to try to develop a surplus of about 1.7 million which would be about 10% of the amount estimated and budgeted for refund to towns and cities on a basis of replacement of stock-in-trade tax. May I assure the Senate that we consider this our first obligation. If we were able and it would be meaningful, we would have budgeted and entered a line item appropriation to the Treasurer for reimbursement to towns and cities in the amount of \$17.6 million for rebate to the towns and cities. This would ensure rebate to the towns and cities for monies they are indeed due. However, after discussion with Counsel, the Treasurer and the Comptroller, were we to do this, and were the ap-

appropriations due the towns and cities, this \$17,600,001 which they would have to pro rate \$1 among every community getting funds, so it would serve no meaningful purpose to line item budget this figure. The appropriations provision in HB 1 is more acceptable and desirable, and is indeed accurate. I should point out again that if we had thought it would be meaningful, we would have line item appropriated the amount of \$17.6 million because we do feel that this is indeed our first obligation. Now, within HB 51, there are some amendments which were previously covered by separate legislation. I refer to the bill, I do not remember the number, which came in from the House, appropriating the amount of \$50,000 to convert the prison heating system to oil. The Committee accepted this bill and amended it to HB 51. In the area of increased appropriation to New England Board of Higher Education. This bill was passed by the House with an appropriation of \$50,000. HB 51 was amended to include that amount. The third one was algae. The appropriation as reported out of the House carried \$100,000 for control of algae. The Senate Finance Committee took the position that this was a most urgent requirement. We felt that the amount of money spent in this area is essential. The amount of money requested was \$125,000. The Committee accepted this figure, budgeted \$125,000, made the effective date of this appropriation upon passage of HB 51. These are the three bills that we laid on the table in our Committee with respect to adding the amounts into HB 51.

Now, we took some action, considerable action, in the area of HB 51 as reported from the House. Our first position was that we would accept the recommendation of the urgency of the sewer project at the Flume. We understand that were this not to be accepted by the Legislature, the Flume could not operate this year. We also accepted the provision that the \$6300 each year of the biennium for the New England Rivers Basin Commission was a commitment. We therefore included that in HB 51. We did not accept the premise of I think it was \$6,000 or \$6,300 fiscal 1970 and roughly \$10,000 for fiscal 1971 for the vacation travel center. This was deleted. We spent considerable time in the area of mental health. We restored the amount of \$50,000 for mental retardation grants. This was deleted by the House. Our position was that we now provide assistance if a child is handicapped with a physical deformity. We have not previously taken the same position could a child be handi-



capped with a mental deformity. We feel to be consistent, to be fair to the parents who unfortunately have children who have mental handicaps, that we should establish a grant program in this area. We agreed with the position taken by the House on the \$200,000 for the community health centers. The request in this area was \$300,000. We felt that the \$200,000 was a very substantial increase, and so our recommendation is in that amount. In the area of the State Hospital, we accepted considerable of the House position on the deletion of the 3 psychiatric aides. We did accept the House position throughout on the State Hospital which adds an amount of \$38,000 to the State Hospital appropriation. In the area of welfare, we accepted the premise that the cost-of-living additions were essential and have included them within our budget. We also took the position that the State of New Hampshire has been making considerable sums of money on the local communities. This comes about by reason of a program called Old Age Assistance for Aliens which is supported by the local community and the federal government. The law now establishes that the local community will pay 100% non federal. The federal government has been contributing in excess of the amount required and we have therefore been making a gain on these two appropriation items. This is a fully non State funded program. So we took the position that this money was due the community and we have changed the appropriation so that we will be deducting or remitting to the local communities the sum of about \$70,000. The other items in HB 51, the area of vocational education, the Committee appropriated the sum of \$250,000. The House had deleted this amount. It was our position that this was a very necessary area of appropriation. Vocational education does considerable in that it satisfies many of the needs of our young people in our high schools who feel no gain or profit or interest in studying civics and other academic courses. It is a very essential program. We think it also reduces somewhat the pressures on our State colleges. In the area of water pollution, the original request was for \$139,000. Subsequent to passage of this bill in the House, we received a communication from the Chairman of the Water Pollution Control Board, Mr. Palazzi, indicating the acceleration of funds to be available for the federal projects made it necessary that the State increase its appropriation to an amount of \$268,000. Here again, the Committee took the position that this was very much necessary and desirable. We therefore in-

cluded that amount in our amendments to HB 51. There are other amendments in there which I would like to discuss with the Senate, or bring to the attention of the Senate. The amount of \$2,000 has been allocated to the Coordinator of Federal Funds for equipment. The Coordinator of Federal Funds receives some \$94,000 from the New England Regional Commission. However, none of these funds can be spent for equipment. It is totally impractical to put a staff to work without equipment, so we felt that this is a reasonable appropriation in order to better utilize these funds available from the New England Regional Commission. There is an amount of \$4,000 for the printing of the supplements to the RSA in the appropriation of the Treasurer. There is an additional \$17,000 for printing the re-compilation of the RSAs. Those who work with them more than I know that the supplement to Vol. I is so large now it cannot fit within the bound book. This would have to be done at some date. We propose that it be done now and the cost estimate is \$17,000. We also appropriated an amount of \$750 to the Revolutionary Bi-Centennial Commission. You will recall, last year the Senate passed an appropriation of I believe, \$1500 for both years in the biennium which was lost in the House. The request of the Commission was in the neighborhood of \$12,000 or \$15,000 over the extended period. The Finance Committee took the position that this should be reviewed yearly, so we last year appropriated the sum of \$1500 which failed of passage in the House. We think this Commission is necessary, desirable and that the sum of \$750 is a reasonable allocation. I think the members of the Senate would have some inquiry as to how we arrived at the figure of \$7 million 3 and I will report that this figure is arrived at by taking the projected revenues from the new revenue measures that we have passed, taking into consideration the deficit that occurred at the end of the last biennium in the amount of \$843,847. This has been taken into consideration in our projection of a \$7.3 million revenue figure. The only area that should be candidly explored, as that this adds one million dollars in unrestricted general funds revenue. At the close of this biennium, we will have gained over budget projections made when we passed the budget in 1969, we will have gained roughly 2 million dollars from liquor, tobacco and other tax areas. It seemed imprudent to project an additional 2 million over the next year of the biennium, but we did feel that with the increased sales and commodities as resulted in this

year, that it would not be imprudent to project 1 million dollars. So, our total revenue figure from which we worked was \$7.3 million. I should also call the attention of the Senate to an amendment which was requested by the Sweepstakes Commission which would change the amount of money which the Sweepstakes Commission pays to the Liquor Commission for the sale of tickets. Up until 1969, it has always been 12c. Last year, the figure of 25c per ticket was put in. The difference in general fund revenue amounts to about \$45,000. However, these funds accruing to the Sweepstakes Commission, commit them directly to the towns and cities, irrespective of foundation aid or whatever. But the Senate should know that this is the position that we have taken. The Sweepstakes Commission properly points out their sale of tickets was up, their expense in this area is down, I mean is up also, so rather than reporting more income for the cities and towns, they would in effect, be reporting less income, whereas, their sales have increased. So, assuming those figures, we have projected a surplus of a million 3. I must point out that there is no provision in our proposal for foundation aid. The request was for a million, 750 thousand. The House cast one million dollars. We deleted foundation aid. I must also state that were we to have time to review the budget and go over it again, the requests that have come to all of us in the area of foundation aid are quite strong, we might take a different position. But I can assure the Senate that, as the Senate knows, this will go to the Conference Committee and perhaps after coming out of Conference, we will have funds in foundation aid. I would be glad to answer any questions.

Sen. SPANOS: My compliments to you and the Committee in doing such an excellent job of putting this all together in the hurly-burly of this session. I do have two questions. Number 1, have you in your deliberations taken consideration the funding for the non-public school assistance?

Sen. GILMAN: We have indeed, Senator, in the amount of 1 million 3.

Sen. SPANOS: My second question is this, and this goes back to an earlier question I asked you while discussing the premium pre-payment tax bill. Am I correct, or not correct, if you did not include the 1.7 million dollars raised from the pre-payment of the insurance tax, would you or would you not be ending up with a deficit?

Sen. GILMAN: If we did not include any of the increases, including the non-resident income tax, the tobacco tax increase, the proposed racing track increase, the business profits tax, the insurance premium pre-payment tax bill — if we included none of those, or if we deleted one or any of them, revenue projection would be out that amount.

Sen. SPANOS: My question was not whether or not if you deleted the business profits tax, or all those, my question was specifically if we had not passed the insurance pre-payment measure this afternoon, considering all else that we had taxed, we would have been ending up with a deficit of something like 5 or a half million dollars.

Sen. GILMAN: I don't think you can make that assumption, Senator, because this bill was not reported out until the insurance tax had passed. Meaning that the Senate Finance Committee could have taken a different approach if we had not passed the insurance premium tax. This bill was reported out after that tax was passed. Our predications on revenue at the time we considered it, before we went downstairs for a final look at it, included those funds, but I think it is improper to say that we would have had a deficit if this bill had not passed, because this budget came out after the passage of that legislation.

Sen. KOROMILAS: I think I understand you with respect to the monies to be passed back to the cities and towns for the loss of revenue on the stock-in-trade and machinery tax? Did you say that it should not be in the appropriation in HB 51?

Sen. GILMAN: What I said, Senator, was that it is not meaningful to line item it because if it is line itemed in the amount of 17 million, 600 thousand, this is the total amount that can be disbursed by the Treasurer. So if you had a compilation of the revenues due the local communities of 17 million, 600 thousand and one dollars or any sum in excess of 17 million, 600 thousand, it couldn't be extended. The line item budget establishes a ceiling beyond which the Comptroller cannot authorize expenses.

Sen. JACOBSON: Would it be possible to have a statement in this bill saying that the returns to the cities and towns from the profits tax shall not be less than 17 million, 600 thousand?

Sen. GILMAN: Perhaps it is. What if the compilation comes out to be 16 million, 800 thousand or 17 million 500 thousand?

Sen. JACOBSON: As I understand it, in response to your question, this is a guarantee that is based on HB 1.

Sen. GILMAN: The guarantee is not on the dollar amount.

Sen. JACOBSON: 10% above the 69 level.

Sen. GILMAN: That has been projected out of 17 million, 6.

Sen. JACOBSON: You mean, computed out.

Sen. GILMAN: Well, projected out, computed out, at 17 million 6. I see no useful purpose in saying it shall not be less than with respect to HB 51.

Sen. JACOBSON: This shall be an appropriation on the general funds, is that not the intent of HB 1?

Sen. GILMAN: That is correct.

Sen. JACOBSON: At this point then, this is the actual operating supplementary budget, HB 51, is that not correct?

Sen. GILMAN: It is a proper term. It is an appropriation bill.

Sen. JACOBSON: So in this fiscal biennium, we shall be making this return to the towns and cities of 17.6?

Sen. GILMAN: As provided in HB 1.

Sen. JACOBSON: Would it not be logical to also set this floor in HB 51?

Sen. GILMAN: I don't think you set a floor so you wouldn't also be setting a floor. How would this be pro rated? Let's assume that the compilation comes to 17 million, 400 thousand. You want to say in this bill that it shall not be less than 17 million, 6. How shall you dispose of the other 200 thousand?

Sen. JACOBSON: If it were less than 17.6.

Sen. GILMAN: What if it were less than 17.550? We are working here with an exact figure, not an arbitrary figure.

Sen. JACOBSON: As I understand it, HB 1 set the floor at 17.6.

Sen. GILMAN: I don't believe that it did set a floor. The estimated projection implementing HB 1 is set at 17 million 6.

Sen. SPANOS: Your Committee is projecting a surplus of 1.3 million dollars. I can understand the desire for a cushion, but I am very deeply concerned that your Committee did not take into consideration increasing, or going along with the House Appropriation Committee's recommendation on school foundation aid. I would like to know your rationale in view of the fact that there is a 1.3 million projected surplus estimate. I know it is only an estimate, but I would like to know your rationale on it.

Sen. GILMAN: Rationale would be hard to establish, but I can give you some of the thinking. We took the position that the 250 thousand for vocational education was very important and we implemented that. We took the position that the 268 thousand for water pollution was very important. We implemented that. We took the position that the grants for mental retardation clinics were important. We implemented that. So, I am very much aware of the position the Committee took with respect to foundation aid. I can only report and take the same position we took when we had the cutter in the last budget. We have increased the allocation to the local communities by the amount of the increase in the tobacco tax. We have taken the position that there are monies due the local communities which they have not heretofore been receiving under this Old Age Assistance to Aliens law. So, the rationale, if that is what we can call it is, we did our best to bring before the Senate a responsible budget. I am sure there are a number that would like to see more emphasis in particular areas. I am one of those whose community is very much affected by foundation aid. I think the point established also — without Sen. Chandler being here it would be unfair to bring comments of this kind, but I think you have a legitimate inquiry in the area of foundation aid, but we did what we thought was reasonable and proper in the circumstances. There have been any number of contacts since this word got out that we didn't have the money for foundation aid. Perhaps our position can be different in Conference.

Sen. SPANOS: I can understand the rationale and the



difficulty you had in trying to allocate funds that you have available to given areas. I am more concerned with the rationale of why a surplus of 1.3 million dollars in relation to leaving out the foundation aid of 1 million. Where does this surplus become sacrosanct? Where do we draw the line on what is a good cushion and what is a rough cushion and one that we shouldn't take. My own personal conviction is that if you've got a 300 thousand dollar surplus, it should be all right, but I am only naive in the situation. That is the question mostly.

Sen. GILMAN: I am inclined to agree with Sen. Spanos that a matter of the surplus is important, but my position on the last budget at the last Conference Committee was, and we were then talking about a budget of 143 or 4 million dollars. My position at that time was that a surplus of a half a million dollars within the stringency of our funds was appropriate. Even less. So, it is a reasonable judgment here that the 1 million 3 puts us in a responsible position and yet carries out commitments in the areas where commitment is required. I will defend the 1 million 3 at this time and in these circumstances, but I have empathy for those who feel that additional funds in foundation aid may be in order, but I think that our position with respect to adding these other amounts in HB 51 precluded that. I would dislike putting the amount of 500 thousand in because I think that is nothing but hokumism. I think if we are going to talk in foundation aid, I think we have to talk in the area of 1 million dollars. Our position was that we would have to develop this on the basis of 1 million 3 surplus and take it to Conference with the House where they have made a commitment of 1 million dollars.

Sen. MASON: On Page 9, you spoke about Chapter 149 F — control of algae and other aquatic nuisances. Then you go on to appropriate \$125,000 for these purposes. Is this substantially the way this section cleared the House? Or has Senate Finance changed that?

Sen. GILMAN: We have increased it by 25%. The House passed it at \$100,000. We raised it to \$125,000 which is the amount originally requested. I am not sure, but I think it passed the House with an effective date upon passage. If it did, we concurred in that. If it did not, we originated it.

Sen. MASON: Isn't this substantially the same bill that was passed last session that was vetoed by Governor Peterson?



Sen. GILMAN: I could not say. I don't know.

Sen. MASON inquired of the Chair: Would it not be necessary for a two-thirds vote on this where this was vetoed by the Governor?

The CHAIR: Would you state the item you are referring to?

Sen. MASON: The control of algae and other aquatic nuisances on page 9, chapter 143 F, appropriation of \$125,000.

The CHAIR would state that the rules require that where a bill was indefinitely postponed, it would require a two-thirds vote. The bill to which you refer was not indefinitely postponed. It was vetoed by the Governor and this would require a majority vote.

Sen. MASON: Isn't it necessary to have a two-thirds vote in both branches to overturn a veto?

The CHAIR: In answer to your inquiry, yes.

Sen. MASON: I am not opposed to this chapter 149 and I have no opposition to the amount of money. However, I am concerned if this budget will stand the test of time and I am calling it to the Chair's attention because in my judgment, I think both branches should require a two-thirds vote on this section because this section covers all of HB 51. I think we would be safe to have a two-thirds vote on this.

Sen. MARCOTTE: I do not wish to prolong this, but is it my understanding relative to Rochester, \$80,000 and \$11,000, Rollinsford, will not be implemented?

Sen. GILMAN: Under the provision, it would not.

Sen. KOROMILAS: I am looking at HB 1 on page 26 of the bill as it reads now: There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by the section, meaning the amounts due the cities and towns in lieu of stock-in-trade and machinery taxes. Are we establishing a precedent here in not appropriating specific amounts for the cities and towns for the first year. In other words, HB 1 provides for sufficient funds for each and every fiscal year to take care of the cities and towns at 100% plus 10. HB 1 talks about not only this year, but subsequent years. Are we establishing a

principal here of not appropriating funds for the cities and towns?

Sen. GILMAN: You mean with this provision in HB 1 or the absence of this provision in HB 51?

Sen. KOROMILAS: Yes.

Sen. GILMAN: I do not think so. HB 51 covers only those items specifically referred to. We have previously passed HB 30. It is not necessary for us in HB 51 to refer again to HB 30. This item, I am advised to my satisfaction, the wording on page 26, chapter 31A relating to appropriations is adequate.

Sen. KOROMILAS: My specific question, in respect to HB 30, is a one short appropriation. In HB 1, we are talking about sufficient funds for each and every fiscal year.

Sen. GILMAN: Now, would you repeat your question as it relates to HB 51?

Sen. KOROMILAS: Are we establishing a precedent in not appropriating specific amounts for the cities and towns for loss of taxes from stock-in-trade, machinery with respect to the future by establishing a precedent in not appropriating amounts in other bills?

Sen. GILMAN: I am not the one to whom that question should be directed. If the Finance Committee were of the judgment necessary to reinforce this appropriation language in HB 1, we would have done so.

Committee amendment adopted.

Sen. Spanos offered the following amendment.

Amend the bill by striking out section 21 and inserting in place thereof the following:

21 Foundation Aid. There is hereby appropriated for fiscal year ending June 30, 1971, to the department of education for foundation aid the sum of one million dollars. Said appropriation shall be in addition to any other funds appropriated therefor for said fiscal year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

22 Effective Date. This act shall take effect upon its passage.

Sen. MARCOTTE: I rise in favor of the amendment offered by Sen. Spanos, the Minority leader.

Last week when I voted for the Business Profits Tax and the repeal of the stock-in-trade and machinery tax, I did so with many doubts in my mind. But I went along because it was because it was promised by those favoring HB 1 that the cities of Rochester and Somersworth and the town of Rollinsford (which are in my district) would receive a substantial increase in School Foundation Aid.

Now, if we accept the Senate Finance Committee's report, there will be no such monies forthcoming. This I cannot and will not buy. If I had thought that there was to be no increase in School Foundation Aid, I would have opposed HB 1.

That is why I am going to stand up and support this amendment so that my towns and cities get what was promised to them.

Sen. SPANOS: I have already said what I had to say so I won't delay the session any longer. I ask for the support of the members of this body, and hope that you will vote in favor of this amendment.

Sen. GILMAN: I rise in respectful opposition to the amendment. The situation should be fully understood that the Senate has not been reluctant in its support of programs which go back to local communities. In this bill alone, we have 1 million 426 thousand dollars that goes back to the local communities. This is in the amount of 269 thousand in excess of what the House appropriated. I can report on these areas. The vocational education, 250 thousand goes back to local communities. The special programs for handicapped children in all categories is 250 thousand. We are rebating to the local communities in the amount of 69 thousand under the Old Age Assistance program for Aliens. The rehabilitation centers which we have incorporated in HB 51 add an additional amount of 250 thousand dollars. Aid to dependent children, which is an increased appropriation in this category, is \$617,000. This totals in this bill alone an amount of 1 million, 426 thousand dollars which goes back to the local communities. I should also point out this foundation aid for this biennium is at a figure of 8 million, 410 thousand dollars. Now, the appropriation for the biennium 1966-67 was 6 million. 1968-69 was 8 million. 1970-71

was 8.5 million. I will acknowledge that the costs in enrollment have gone up, so on the percentage of support of the local district, it is not quite as large. But, I think the most significant item in this bill is that we have acknowledged our responsibility to the local communities and appropriated a million, 426 thousand. I should also say that if we are to accept this amendment, as we approach the Conference and the position taken by the House, I feel that I would have a commitment and would acknowledge that commitment, and support it, but that the cuts that must follow would be in the area of mental health, water pollution and other areas which I think are justifiably important. I think the Senate should bear in mind that this bill does provide 1 million, 426 thousand dollars to the local communities which they would not previously have received.

Sen. SPANOS: I understand the predicament you are in, but does it necessarily follow that the cuts will have to come in that area? Are there not other avenues which you can explore in order to meet some agreement with the House?

Sen. GILMAN: I hope so. No avenue will be unexplored.

Sen. MARCOTTE: I rise in support of the proposed amendment by Sen. Spanos. I do so with great regard to my particular District. Particularly in the area of Rochester for instance; \$80,000 and in Rollinsford, \$11,000. I feel right now, and that is one reason why I selfishly voted for HB 1, and I feel that I want some kind of a guarantee for my District. Particularly that city and that particular town. The city of Somersworth is also in my District. I am hoping that with this 1.3 million dollars that we will be receiving in the vicinity of \$20,000 to \$30,000. I do feel my District needs this foundation aid.

Sen. KOROMILAS: I rise in support of the pending amendment. Foundation aid for Dover will run to approximately \$100,000. \$2,500 for Madbury. I think this aid is necessary and that is why I support the amendment.

Sen. LAMONTAGNE: I rise to support the Chairman of my Committee of Finance. I personally feel that again this 1 million 3 — that when the Committee of Conference is back, I feel sure that by working with the House members that we are sure it is going to be reduced. So therefore, these matters can be taken care of in the Committee of Conference. We did expect this might come up in the Conference. At the same time, I

think by reducing that sum, it leaves almost nothing to work with the House with which to compromise. I think this cushion can be used during the Conference.

Sen. KOROMILAS: Don't feel if the Senate did vote for a million dollars in foundation aid, that this would give the Senate, the conferees on the part of the Senate, some leverage to get something in this particular area?

Sen. LAMONTAGNE: I still feel that without this amendment, this same thing can be brought up in the Committee of Conference and still accomplish the same thing as what you are trying to do now. I still feel it would have a better leverage to go with the 1 million <sup>3</sup> in the Committee of Conference than to go with less that amount which has been proposed in this amendment.

Sen. KOROMILAS: What is this 1 million <sup>3</sup> that you are talking about?

Sen. LAMONTAGNE: That is the surplus that our Finance Committee has come up with.

Sen. SPANOS: Can you go back into your District, voting for this measure which does not provide for foundation aid and expect those people to understand that it may be some strategic effort to make some hay with the House?

Sen. LAMONTAGNE: Let me say this. In order to compromise we may have to lose something we have accomplished. What difference — if you are going to lose it in one hand or lose it in the other. Berlin does not get it, but I represent many towns that do.

Sen. MARCOTTE: Will the Committee of Conference guarantee my foundation aid?

Sen. LAMONTAGNE: I cannot guarantee anything.

Sen. JACOBSON: I rise in support of the pending motion. I think that the towns have the right to expect some form of relief for those that qualify for foundation aid and I believe the Senate has the responsibility to be on record in support of these communities, so that they will receive at least a little relief for their spiraling educational costs.

Sen. BOURQUE: How much is appropriated for foundation aid for the fiscal year ending June of 1971?

Sen. GILMAN: 8 million, 499 thousand — just about 8 million 5.

Sen. BOURQUE: This would be an additional million?

Sen. GILMAN: Yes.

Sen. BOURQUE: To what extent does Manchester participate in foundation aid?

Sen. GILMAN: Not at all. This is designed to help some of the poorer communities. Manchester, under the provisions of the law, has a sufficient taxable property behind these pupils, so in those circumstances, they do not receive it.

Sen. Koromilas and Sen. Lamontagne spoke in support.

Sen. Gilman requested a Division on adoption of Sen. Spanos' amendment.

Twelve voted yes. Eight voted no. Amendment adopted.

Sen. Koromilas offered an amendment and spoke in support.

Sen. Gilman spoke in opposition.

Sen. Koromilas requested a Division.

Six voted yes. Thirteen voted no. Amendment not adopted.

Sen. Koromilas moved reconsideration of amendment of Sen. Spanos.

Motion lost.

Sen. MASON: I would ask the Chair a question. Is HB 57 going to be taken up as had been promised?

The CHAIR: HB 57 is not in the possession of the Senate.

Sen. MASON: Does that mean that that bill is lost?

The CHAIR: No.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR announced Sens. Jacobson and Claveau as Conferees on the part of the Senate on SB 25, relative to Data Process Commission.

Sen. Spanos moved the Senate go into the late session. And when we adjourn, we adjourn in honor and in observance of "Earth Day" with sincerest compliments to our nation's youth and their advisors for their constructive efforts on this day with the comforting knowledge that those who are wearing the symbolic "Green" are not seeing "Red."

### LATE SESSION

Third reading & final passage of bills & jrs

HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the Dept. of Health & Welfare to the Dept. of Education.

Sen. Gardner moved reconsideration. Motion lost.

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

Sen. Gove moved reconsideration. Motion lost.

HB 45, to legalize certain meetings of the Rye Beach Village District.

HB 46, to legalize the 1969 town meeting in the town of Hampton.

HB 47, legalizing the annual town meeting of March 10, 1970, in the town of Hudson and certain special and regular town meetings in the town of Litchfield.

HB 55, relative to tax exemption of Nutfield Heights, Inc., a community housing project for elderly persons.

HB 33, clarifying the statute relative to management-employee relations at the University of New Hampshire.

HB 7, making the possession of a pound of marijuana a felony and relative to the sessions, clerk, entry fees, and reports of the supreme court.

HB 14, relative to the sale of subdivided land.

Sen. Spanos moved reconsideration. Motion lost.

HB 18, relative to the burden of proof relating to comparative negligence.

Sen. Koromilas moved reconsideration. Motion lost.



HB 42, relative to the administration of the insurance laws.

HB 22, relative to salaries of Carroll county attorney, Carroll county treasurer, salaries of certain county officials of Belknap county and authorizing counties to establish highway safety programs.

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

Sen. Spanos moved reconsideration. Motion lost.

HB 15, to define jurisdiction over dredge and fill operations in water and wetlands located in this state.

Sen. Porter moved reconsideration. Motion lost.

HB 53, relative to sick leave for employees of the city of Manchester.

HB 16, authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council.

Sen. Foley moved reconsideration. Motion lost.

HJR 2, establishing a commission to recommend changes in the councilor districts.

Sen. Koromilas moved reconsideration. Motion lost.

HB 32, providing for a Board of Registrars for the city of Nashua.

HB 56, relative to the definition of obscenity.

CA CR 5, Relating to: Compensation of the Members of the Legislature. Providing that: A Commission shall biennially set the rate of compensation for the Members of the Legislature.

The CHAIR stated the order to third reading and final passage of CA CR 5 would require a three-fifths vote.

Eighteen voted yes. One voted no. The required three-fifths carried.

Sen. English moved reconsideration. Motion lost.

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities.

Sen. Tufts moved reconsideration. Motion lost.

HB 28, providing for medical facilities at the industrial school and making appropriation therefor.

Sen. Lamontagne moved reconsideration. Motion lost.

HB 30, making appropriations for the treatment and prevention of drug abuse.

Sen. Townsend moved reconsideration. Motion lost.

HB 6, providing for consumer protection and making an appropriation therefor.

Sen. Lamontagne moved reconsideration. Motion lost.

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.

Sen. Jacobson moved reconsideration. Motion lost.

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

Sen. Townsend moved reconsideration. Motion lost.

Sen. Lamontagne moved adjournment.

*Thursday**23Apr70*

Rev. W. L. Shafer, Senate Chaplain, offered prayer.

CHRISTOS ANESTE . . . . . Almighty God, who hast revealed Thy Presence in the person of Jesus Christ, and Thy Power in the works of Thy Holy Spirit, may the dawn of this holy season (\*\*) fill our empty lives and hearts with the joy of true happiness. May our lives reflect all that is good and true, that we may more perfectly honor Thee in our daily endeavors. May we find that perfect peace which passes all human understanding and share this blessing without fear nor with shame. May our witness be more than empty words, more than selfish ambition, and more than vague dreams — arm each of us with courage and purpose that we may do Thy Will and build the better world today. Amen.

(\*\* - Greek Orthodox "Holy Week")

Sen Bourque led Pledge of Allegiance.

#### ENROLLED BILLS COMMITTEE

HB 21, relative to out-of-state tuition charges at the university of New Hampshire.

HB 34, to enlarge the authority of the New Hampshire Higher Educational Building Corporation.

Paul E. Provost  
for Committee

Adopted.

#### HOUSE MESSAGES

House accedes to request  
for Committee of Conference

SB 25, relative to the Dept. of Centralized Data Processing.

The Speaker has appointed Reps. S. Clark, Bowles and Craig.

#### House Concurrence

HB 47, legalizing the annual town meeting of March 10, 1970 in the town of Hudson.

HJR 2, establishing a commission to recommend changes in the councilor districts.

HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education.

HB 36, providing for consumer protection and making an appropriation therefor.

HB 32, providing for a board of registrars for the city of Nashua.

HB 18, relative to the burden of proof relating to comparative negligence.

HB 22, relative to the salaries of the Carroll County attorney and the Carroll County treasurer and authorizing counties to establish highway safety programs.

HB 42, relative to the administration of the insurance laws.

House Refusal to Concur  
Asks Committee of Conference

HB 2, increasing the salaries of classified employees, temporary and seasonal, and making an appropriation therefor.

The Speaker has appointed Reps. Scammon, McDonald, Croft, Trowbridge and Goff.

Sen. Jacobson moved the Senate accede to request.

The Chair appointed Sens. Jacobson, Chandler and Marcotte.

HB 7, to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony.

The Speaker appointed Reps. Frizzell, Record and Normandin.

Sen. Koromilas moved the Senate accede to request.

The Chair appointed Sens. Koromilas and Bourque.

Requests Concurrence in House Amendment

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing

for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to co-operative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above.

Amendment in House Journal April 21, pages 215-217.

Sen. SPANOS moved the Senate concur.

The only significant change made by the House was to strike from the bill giving assistance to school districts providing transportation for non-public school pupils. Now the 1.3 million appropriation will be used for the dual-enrollment program and for child benefit services.

You remember that a week ago we had quite a debate on how these funds allocated for transportation would be distributed. There were two different views on this matter.

The House amendment solves this issue once and for all and Sen. Jacobson and I do not feel that the House amendment materially and adversely affects the main purpose of the bill we co-sponsor.

I ask you for your support on my motion to concur.

Motion for concurrence carried.

Sen. Spanos moved reconsideration. Not adopted.

SB 23, increasing the appropriation of the Southwestern State Park, extending the time for expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead.

Amendments House Journals April 21, pages 201-203, April 22, pages 246-247.

Sen. Armstrong moved the Senate nonconcur and request Committee of Conference.

The Chair appointed Sens. Armstrong and Lamontagne.

SB 6, relative to the real estate commission and making an appropriation therefor.

Amendment in House Journal April 22, pages 234-236.

Sen. Armstrong moved the Senate nonconcur and request Committee of Conference.

The Chair appointed Sens. Koromilas and Leonard.

SB 8, increasing the salary of the Strafford County Attorney.

Amendment in House Journal April 22, pages 253-256.

Sen. Koromilas moved the Senate nonconcur and request Committee of Conference.

The Chair appointed Sens. Koromilas and Marcotte.

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations.

Amendment in House Journal April 22, p. 233.

Sen. GOVE: I move that the Senate concur. This bill had only two minor changes. This was a bill introduced by Sen. Spanos. The Senate put down the effective date upon passage and the House determined that 30 days would be a proper amount of time relative to proper procedures and regulations. Also, one phrase was stricken out which did not change the intent of the bill.

Motion adopted.

SB 19, transferring the office of Planning and Research to the office of the Governor.

Amendment in House Journal April 22, p. 237.

Sen. JACOBSON moved the Senate concur. The amendment restores the original amendment made by the Executive Depts. Committee of the Senate in which the two planners would remain in DRED.

Sen. GILMAN: I move that the Senate nonconcur and request Committee of Conference. This matter, as the Chamber will recall, was discussed at some length at the time this bill came in from Finance. You will recall that the Finance Committee added an amendment which deleted the planners would remain in DRED. The position taken by the Committee was that a decision had been made to move out of DRED. Our position was that it should be moved in toto. It was our position that since the decision had been made to move this office, it should be moved in toto and we would then not have 2 similar

functions going on in both. I think it is in the interest of prudent management to either move them all, or move none of them.

Sen. CHANDLER: Speaking as a member of the Senate Finance Committee. We thought that these two people should stay with DRED. We arrived at that decision after hearing some conflicting testimony. The Commissioner himself came in and changed my opinion and also that of Sen. Lamontagne. I thought he should either keep the whole eleven and transfer none. I still feel the same way. I think he should have these two or keep the whole bunch. There is no need to transfer any to the Governor's office.

(Discussion)

Sen. LEONARD: I have talked with Commissioner Crowley. He is satisfied with the amendment and so is the Governor.

Sen. LAMONTAGNE: I concur with Sen. Chandler. I am in favor of the amendment.

Sen. FOLEY: I support the motion of Sen. Gilman. I feel that one of the key people to speak on this was the planning director itself. It was felt that the entire Dept. should remain in one unit and under one roof and one head for better planning all around.

Question on motion of Sen. Gilman to nonconcur.

Sen. Gilman requested a Division.

Eight voted yes. Fifteen voted no. Motion lost.

Motion of Sen. Jacobson carried.

Sens. Gilman and Foley recorded as voting against the last motion.

Sen. Spanos recorded as voting in favor.

SB 24, reducing the appropriation for a Data Processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, providing for additional personnel for data processing.

Amendment in House Journal April 22, pages 248-249.



Sen. BRADSHAW: I move that we concur with House amendment. The only thing that the amendment does is reduce the appropriation by \$20,000. The reason that the House reduced it was that they talked with the Comptroller and it was determined that they could not take over the new facilities prior to July 1, so consequently, they might as well take out the \$20,000 for rental as they could not use the building anyway.

Motion adopted.

SB 27, relative to the air pollution commission.

Amendment in House Journal April 22, pages 243-245.

Sen. Porter: moved that we non concur and request Committee of Conference.

The CHAIR appointed Sens. Porter and Bourque.

SB 31, relative to the sale, purchase, and transportation of explosives and making an appropriation therefor.

Amendment in House Journal April 22, pages 230, 239.

Sen. Armstrong moved that non concur and request Committee of Conference.

The CHAIR appointed Sen. Mason and Claveau.

SB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the director provides.

Amendments in House Journals April 21, p. 207; April 22, p. 250.

Sen. ARMSTRONG: I move the Senate concur. The amendment removes the position of Coordinator of Data Processing. I have talked with the Dept. of Safety and they feel that they can get along without this at this time.

Motion adopted.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school.

Amendment in House Journal April 22, p. 252.

Sen. ENGLISH moved concurrence. The amendment simply consists of changing the effective date, and I understand that Sen. Jacobson is in favor.

Sen. SPANOS: I support the motion offered by Sen. English.

The town of Springfield which I represent is no longer involved in this matter and consequently I can support the measure for this reason and also because it provides the town of Sutton with much needed relief.

Sen. CHANDLER: I believe the amendment does more than the Senator said it did. As long as Warner is out, I am for it.

Sen. JACOBSON: What the amendment does, it goes back to the old SB 260 in which the State will share 50% and the town will share 50%. The Committee on Education went to the Highway Dept. and gained their approval. It also provides that winter maintenance will be provided by the town and summer maintenance will be provided by the State.

Motion carried.

Sen. GILMAN: I would like to be recorded in favor.

Sen. Jacobson moved reconsideration. Motion lost.

#### House Refusal to Concur Requests Committee of Conference

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

The Speaker has appointed Reps. Drake, Goff, McGinness, Trowbridge and Zachos.

Sen. Gilman moved the Senate accede.

The Chair appointed Sens. Gilman, Townsend and Provost.

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse.

The Speaker has appointed Reps. Drake, Goff, McGinness, Trowbridge and Zachos.

Sen. Gilman moved the Senate accede.

The Chair appointed Sens. Gilman, Townsend and Provost.

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971.

The Speaker has appointed Reps. Drake, Goff, McGinness, Trowbridge and Zachos.

Sen. Gilman moved the Senate accede.

The Chair appointed Sens. Gilman, Townsend and Provost.

The Chair recognized Sen. LAMONTAGNE under personal privilege.

Mr. President and Members of the Senate: First before I read into the records my wishes for the 100th Anniversary of the Nansen Ski Club that will be in my home city of Berlin in 1972, it gives me great pleasure to introduce to you Mr. SKI, ALF HALVORSON, who is well known in many countries.

At the calculated risk of appearing to be rushing not only the season, but a couple of years as well, I should like to remind each and every one of you that the year 1972 will have a very special significance for New Hampshire. The year 1972, as perhaps many of you already know, will mark the 100th anniversary of the Nansen Ski Club in my home city of Berlin. The Centennial anniversary of the Nansen Ski Club is not only of importance to Berlin, but also important to New Hampshire. And I do not think I am exaggerating when I assert that 1972 will be a year of great importance to skiers throughout the United States. The fact is that when we celebrate the 100th anniversary of the Nansen Ski Club we will, indeed, be celebrating the 100th anniversary of skiing as an organized sport in the United States. It all began here in New Hampshire, Ladies and Gentlemen . . . Skiing in the United States had its beginning in Berlin, New Hampshire. As they say . . . you can look it up in the book. I mention this coming event now only to urge that the Governor and the Legislature be given ample time to give careful consideration to what can and should be done to assure proper observance of this most significant occasion. I hope the Governor will lend the weight of his office toward pressing for Bureau of Outdoor Recreation Funds that our Berlin ski jump, built in 1937, may be improved and upgraded to a full 90-meter structure. I know that our promotion section of the Department

of Resources and Economic Development already is considering how the 100th anniversary of skiing in the United States may be most advantageously promoted for the State of New Hampshire in general and the north country in particular. I respectfully ask the General Court to give at the appropriate time its full moral and financial support to this worthwhile project.

In closing I would like to extend an invitation to all you Senators who would like to sign up and do some ski-jumping and I would be glad to take your application to the Club.

### SUSPENSION OF THE RULES

Sen. Bradshaw moved suspension to permit introduction of: HB 57, making amendment to the business profits tax and the act imposing a tax on certain income.

Sen. BRADSHAW: HB 57 is the so-called trailer bill that was requested by I guess several people within the Senate as well as several people within the House because of the fact that we had passed the deadline of introduction of bills, it was necessary that this bill be introduced through the joint Rules Committee which approved this measure sometime last week. In order for us to take it up at this time, we must suspend the rules. I will be glad to explain the bill at this time, if desired. It would more properly come after the introduction. I do have a full complete explanation of the bill.

Sen. KOROMILAS spoke in opposition to the suspension of the rules: I do this in full appreciation of what this bill would do. I voted last Thursday with respect to one particular item with respect to the oath of the taxpayer. I think you should have done it then. That is when it should have been done. I have seen this type of trailer legislation in the last session and the session before. I don't believe this is the way to run a ballgame. I oppose the motion.

The Chair announced that it would require a two-thirds vote to suspend the rules.

On division vote, nineteen voted yes. Four voted no.

The motion carried.

## INTRODUCTION OF HOUSE BILL

First, second reading

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

The Chair stated the bill would be laid on the table.

Sen. BRADSHAW: Under personal privilege. I stated that I would be glad to explain the bill, if anybody wants it done. I believe this will be referred to Ways & Means and I think it may be proper that the Chairman of the Committee explain the bill in case there are amendments or changes before we take final action.

Sen. KOROMILAS: As I read HB 57, and since we have one more day remaining to handle this particular problem — I note there is a definite appropriation in this bill. It would be a good idea to send this to joint Committee of Ways & Means and Finance.

Sen. BRADSHAW: The money referred to in the bill, in my opinion, is not appropriation. If anything, it is a reduction in what we have already passed.

HB 1 provided for a Director and Deputy director of the Division to handle the business profits tax. HB 41 provided for a Director and Assistant Director to handle the non-resident income tax. The Tax Commission has assured us that one Director and one Asst. Direct can handle the funds of both of these bills. Consequently, HB 57 eliminated 2 positions. This had to be done and I would state that this is really a very good reason why a trailer bill can be a very good idea. HB 1 had to be so drafted so that it would stand on its own and also HB 41. But now that both of these bills have passed, we can take advantage of the economies of having the same two people administer both bills.

Sen. KOROMILAS: I notice \$17,690 to \$22,204 for Director. You dont think that is a matter for the Finance Committee?

Sen. BRADSHAW: The positions have already been created. By previous action, we have created 4 positions. This bill is going to eliminate two of them.

The Chair referred the bill to Ways & Means.

Sen. BOURQUE: I would inquire of Sen. Gove. I want to know about HB 1 on Page 17 in paragraph 5, where it repeals the temporary legacy tax. My question is: Anyone who has paid in money, now it will be refunded?

Sen. GOVE: Yes. This is in the bill. I can give you the assurance that it will be taken care of in HB 57.

The Chair recognized Sen. LEONARD: My remarks pertain to the non-concurrence of the House to the Senate's amendment to HB 25.

For many years — at least 25, to my knowledge and probably for 50 years — the Probation Department collected support payments when ordered to do so by the Superior Court.

In the majority of cases, if the probation department did not collect the payments for wives and children the family would have to go on mother's aid or welfare. This would increase the cost of the taxpayer many, many times.

This well-established procedure of having the probation department collect support payments at no cost to the children was changed last year by a footnote in the budget, without benefit of public hearings or debate on the merits.

It makes no difference who pays the 5% — the husband or the wife. There never is enough money for a broken family. If money has to be paid to the probation department, as this 5% tariff, there is only one loser — the young children.

I hope that the nonconcurrence by the House is not the political move that it appears to be on the surface. I also hope that the editorial of the Manchester Union today had nothing to do with this nonconcurrence.

The CHAIR: after having an extensive conference with the Senate Clerk, the Speaker and Clerk of the House, there will be no more Messages except Committee of Conference Reports. We will probably convene next Thursday at 10 o'clock to start our 15th Legislative day. I would hope that the Conference Committees would be working on Monday and Tuesday, although I know Monday is New Hampshire's Fast Day. The President would like authorization that the President be authorized to re-appoint new Committees of Conference if necessary, which right he has, I believe, but if the body were not

meeting, it would expedite if you would authorize us to appoint such new Committees of Conference if needed.

Sen. GILMAN: Don't we have to have a motion to discharge Committees of Conference before appointment of a new one?

The CHAIR: The Chair feels that the authorization is essential and desirable and he certainly hopes it will not be essential. It does not seem to serve any useful purpose to hold the Senate here.

(Discussion)

Sen. English spoke in support of authorization.

The CHAIR: The Committees of Conference. I will be here.

Sen. GILMAN: This was in no way intended to express a lack of confidence in the Chair, but I do feel if there is a deadlock — the help of the Senators might be helpful.

Sen. KOROMILAS: As I have been able to gather, the Chair is asking for authority to discharge Committees of Conference without a report or if he so comes to the conclusion that the Committee of Conference is not getting anywhere. Is that the general gist?

The CHAIR: No motion has been put. When the motion is put, yes, that's right.

(Discussion)

Sen. FOLEY: I see the reason for Sen. Gilman's questioning. But not all of the Senators are serving on Committees of Conference, would we be called perhaps?

The CHAIR: I am sure the Senators could be called.

Sen. Gilman moved the authorization under the above circumstances.

Adopted.

## HOUSE MESSAGE

### House Refusal to concur Request Committee of Conference

HB 33, clarifying the statute relative to management-employer relation at the University of New Hampshire.



The Speaker has appointed Reps. S. Clark, Croft and Martin.

Sen. Gove moved the Senate accede.

The Chair appointed Sens. Gove and Marcotte.

SB 6, relative to the real estate commission and making an appropriation therefor.

The Speaker appointed Reps. Watson, Bouchard and Dodge.

SB 8, increasing the salary of the Strafford County Attorney and empowering the Strafford County Convention to set the salaries of certain county officers.

The Speaker appointed Reps. Clark, Maglaras and Leighton.

SB 23, increasing the appropriation for the Southwestern State Park, extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead.

The Speaker appointed Reps. Drake, Goff and Trowbridge.

### House Concurrence

SB 37, relative to fees for medical referees.

SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments.

SB 7, ratifying the compact for education, and making an appropriation therefor.

### HOUSE MESSAGE

The House passed the following House Concurrent Resolution No. 7.

*Whereas*, the sum of five thousand dollars has been appropriated for fiscal year 1970 and for fiscal year 1971 for the preparation of a voters guide on proposed constitutional amendments; and

*Whereas*, it is necessary that the voters be adequately and impartially informed on the proposed amendment; and

*Whereas*, a committee composed of members of the house and senate to prepare and approve a voters guide is desirable; now therefore be it

*Resolved*, that a committee of ten members, five of whom are favorable to the amendments and five of whom are opposed to the amendments shall be appointed in the following manner. Six shall be appointed by the speaker and minority leader of the house of representatives and four shall be appointed by the president and minority leader of the senate. The committee shall prepare and approve the voters guide which shall be distributed prior to the 1970 election.

Sen. KOROMILAS: I agree with the general concept, but I suggest this should be broken down to include equal numbers from the House and Senate. Not six from the House and four for the Senate. I cannot see why we must always be the minority.

Sen. English moved non-concurrence and spoke in support.

Sen. CHANDLER: I wish to speak in favor of the Resolution as presented. I too feel that it should be fair Committee. In the past, we have had these Committees and usually they have been composed of those with strong feelings about the matter. I think in order to really get the questions presented to the voters, the Committee members should have representation of more than one point of view.

Sen. SPANOS: I have a question with the Resolution myself and it has to do with determining who is for and who is against a particular amendment. I think it is going to be a difficult situation.

(Discussion)

Sen. English withdrew his motion to concur.

The Chair referred the Resolution to a Special Committee consisting of Sens. English, Gardner and Spanos.

## HOUSE MESSAGE

House Refusal to Concur  
Requests Committee of Conference

CA CR 5, Proposing Constitutional Amendments relating to: Amendment of proposal relative to Art. 15 Part Second of the Constitution.

The Speaker appointed Reps. Logan, Nixon and Radway.

Sen. Koromilas moved the Senate accede.

Sen. KOROMILAS: Parliamentary inquiry. Can Rule 4 be suspended by a two-thirds vote?

The CHAIR: According to Senate Rule 34.

Sen. JACOBSON: Is there a distinction between rescinded and suspended?

The CHAIR: The Chair would feel yes, that there was. Senate Rule 33 says no standing rule may be suspended unless two-thirds of the members present vote in favor thereof. This rule shall not apply to Senate Rule 9 which refers to postpone indefinitely. The Senate has been operating under Senate Rule 33 whereby we suspend the rule.

Sen. KOROMILAS: I move that the Senate Rule 40 be suspended in order that 3 members can be appointed on the part of the Senate under CA CR 5.

The CHAIR: This just seems to be a Senate Rule. It seems to be a perfectly applicable motion at this time.

Sen. LEONARD: I would say that I agree with Sen. Koromilas. I think now is the time to stand up and be counted.

Sen. ENGLISH: This will require two-thirds of the members of the Senate or those present?

The CHAIR: Present and voting.

Question on motion. By Division vote. Eighteen voted yes. None voting no.

The motion to suspend the rules prevailed.

The CHAIR appointed Sens. Koromilas, Leonard and Jacobson.

### HOUSE MESSAGE

The following bill passed the House:

HB 58, providing for an exemption from motor vehicle registration fee for certain disabled veterans.

Sen. Lamontagne moved suspension of the rules to permit introduction of the bill.

The Chair stated introduction of the bill would require a two-thirds vote.

Sen. Lamontagne spoke in explanation and support of the bill.

Sen. SPANOS: I support the suspension of the rules.

On Division vote, eighteen voted yes. No one voted no.

Motion prevailed.

### INTRODUCTION OF BILL

#### First and second reading & referral

HB 58, providing for an exemption from motor vehicle registration fee for certain disabled veterans. To Public Works.

Sen. LAMONTAGNE: Moved the order of referral be vacated, to dispense with holding of public hearing and taken up at the present time. Spoke in support.

Sen. BRADSHAW: I hesitate to rise against Sen. Lamontagne, but I feel that this bill should go to Committee. I have talked with the Chairman and they will take prompt action. I think it should go to Committee and the Chairman will get it back out promptly.

Sen. ARMSTRONG: I think we could have a quick meeting of the Committee and get it back early Wednesday or early Thursday or whenever necessary. It has more to do than losing the plate. It does not include the Korean and Viet Nam veterans.

Sen. LAMONTAGNE: This has to do with the veteran who has not lost a limb, but the use of it.

(Discussion)

Sen. Lamontagne withdrew his motion.

Sen. ARMSTRONG: I would ask the Public Works Committee to meet for an executive session in the north corner of the Chamber.

Sen. SPANOS moved the Senate go into the late session, and when it adjourns, it adjourn to meet next Thursday at 10 a.m.

### LATE SESSION

Sen. Chandler moved adjournment at 4:30 p.m.

*Thursday**30Apr70*

The Senate met in Joint Convention.

#### ENROLLED BILLS COMMITTEE REPORT

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

Report same under Joint Rule 15 with the following amendment:

Amend section 1 of the bill by striking out the first three lines and inserting in place thereof the following:

1 Tax Imposed. Amend RSA by inserting after chapter 77-A the following new chapter:

#### Chapter 77-B

Further amend the bill by renumbering RSA section 77-A:1 through 28 to read 77-B:1 through 28 respectively.

Amend section 2 of the bill by striking out in line 4 the letters and numeral RSA 77-A and inserting in place thereof RSA 77-B.

Amend section 3 of the bill by striking out the first line and inserting in place thereof the following:

3 Effective Date. RSA 77-B:2 as inserted by section 1 of this act shall

Sen. Bradshaw moved adoption. Carried.

#### ENROLLED BILLS COMMITTEE REPORT

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs

to cooperative school districts; continuing the nonpublic school study commission, and making appropriations for all the above.

Report same under Joint Rule 15 with following amendment:

Amend RSA 195-C:3 as inserted by section 9 of the bill by striking out lines twenty-nine and thirty, inclusive and inserting in place thereof the following: bond or note which is issued to finance the same project. The bonds or notes comprising the guaranteed portion of an authorized borrowing and the bonds or notes comprising the unguaranteed portion of an authorized borrowing may be issued

Sen. Spanos moved adoption. Carried.

Sen. SPANOS: Sen. Jacobson and I would like to take this opportunity to publicly thank the members of the Non-Public School Study Commission for their untiring efforts in behalf of this legislation and particularly, Mrs. Murray, Mrs. Bernard Nardj and James Wechsler.

Also, our sincerest appreciation to the members of this Chamber who supported our efforts to concur on the House amendment when it was not expected by our counterparts across the way. We wish also to acknowledge the assistance of the Governor's office in this matter. It was most valuable. This legislation has had a long journey, but it was all worth it. It will help continue equal educational opportunities for all our children and will help relieve the burden on the taxpayer of those towns and cities facing this major problem.

Again, our deepest thanks.

#### ENROLLED BILLS COMMITTEE REPORT

SB 19, transferring the office of planning and research to the office of the Governor.

Report same under Joint Rule 15 with amendment.

Sen. BRADSHAW: I move that we recall SB 19 from the Committee on Enrolled Bills and that SB 19 be placed on second reading at the present time. My reason for doing this is that the amendment as proposed by the Enrolled Bills Committee violates the jurisdiction of the Enrolled Bills Committee. The amendment that they offer, while it has merit, should be

placed on the bill by the Senate rather than by Enrolled Bills Committee. I have checked with legal counsel who agrees that this is not the proper Jurisdiction of the Enrolled Bills Committee. I have checked with the House and there is a very serious question of whether the House would accept this amendment as put on by Enrolled Bills Committee. Therefore, we should put the amendment on while it is on second reading. This will not involve any re-writing or delay. This amendment was prepared by the Enrolled Bills and can be offered when the bill is on second reading.

Sen. SPANOS: What is the content of the amendment?

Sen. BRADSHAW: The amendment transfers some funds. The Enrolled Bills Committee is set up to look over proper reference to statutes, grammar, dotting the "i"s and crossing the "t"s, etc. However, this amendment as prepared by them actually transfers funds and this is not within the jurisdiction of the Enrolled Bills Committee which is why I make the motion that I have made. If my motion carried, then it is my intention to offer this amendment which will pay for the two people that the Senate has already decided should stay in Resources & Economic Development. It is strictly a matter of procedure. If we adopt this amendment of Enrolled Bills, no one knows what may be coming through Enrolled Bills.

Sen. GARDNER: If we accept this amendment, this will then have to go back to the House?

Sen. BRADSHAW: Yes. I have been over to the House and there is every reason to believe that the House will go along with it. The House is not in favor of this procedure.

Sen. GILMAN: I believe it should be noted to the Senate that this was recommended by the Legislative Services. The request was made to do it through Enrolled Bills. I agree completely with Sen. Bradshaw. This would be an unwise method. I suggested that it go on HB 51, but Legislative Services suggested that they do it through Enrolled Bills and we acquiesced. I think it is correct that we not do this.

Sen. KOROMILAS: Parliamentary inquiry. What is the status of the amendment of Enrolled Bills?

The CHAIR: It is in the hands of the Enrolled Bills Committee.



Sen. KOROMILAS: What can the Senate do once a bill has engrossed and referred to the Senate with respect to future action?

The CHAIR: In relation to this bill, it has not been engrossed. The bill is in the hands of the Enrolled Bills Committee and they are recommending something to the Senate, and the Senate is deciding whether to accept or do something else with it. The Enrolled Bills Committee may change the bill. They have proposed an amendment. We are discussing whether the Senate wants to accept it or not.

Sen. KOROMILAS: Can the Enrolled Bills Committee recommend a financial change as opposed to dotting the "i"s and crossing the "t"s?

The CHAIR: The Chair feels that the Committee may make changes of a technical nature, but the Chair feels that the procedures that the Senators have outlined would be a good one to follow in this case.

Sen. SPANOS: Why wouldn't the motion be in order to recommit the bill to the Committee. This bill is somewhat controversial and I am wondering whether or not it might be advisable that the amendment be offered to another bill.

Sen. BRADSHAW: If I may be permitted to make a comment on that. Yes, there certainly was some controversy when another amendment was accepted to this bill. It is my understanding that some of the people who opposed the amendment are aware of the feeling of the majority of the Senate and they no longer intend to make a battle over this particular amendment. I do not think we need to feel that this amendment is going to be killed.

Sen. GILMAN: I was one of those who felt that all of the planners should be moved. However, I am perfectly agreeable to the position accepted by the Senate and handling the funding in the proper way, at the time the Senate accepted the amendment that two people remain in DRED. I think also that the motion to recall from Enrolled Bills and put on second reading is the sure way to handle it.

Sen. JACOBSON: I am a little backward on this at the moment. It has to do with the transfer of money?

Sen. GILMAN: When we accepted the amendment leaving 2 planners in R. & E — the amendment did not carry the proper financial transfer. What the amendment did was accept the provision that 2 remain there, but our amendment eliminated all the money and sent it to the Governor's office.

Sen. JACOBSON: Do you envision the prospect of this bill going back to the Finance Committee for review?

Sen. GILMAN: Not at all. I am perfectly aware that the amendment was not in proper form and I am in agreement to leave 2 planners.

Sen. JACOBSON: I understand that Committee of Conference has come to agreement on HB 51?

Sen. GILMAN: The Committee of Conference has taken the position that no further general fund amendments will be put on HB 51.

Sen. JACOBSON: It would seem to me that SB 19 was a bill dealing with organization. This amendment is a proper budgetary item.

(Discussion)

Sen. GILMAN: I think this whole matter — if we have a bill — perhaps HB 57 — this can very properly ride on this bill. It would seem to resolve this matter most expeditiously, that we send this back to Enrolled Bills to delete the funding and put same on HB 57 as an amendment.

Sen. Bradshaw withdrew his motion.

Sen. ENGLISH: If we reject this amendment, where does this leave the bill?

Sen. GILMAN: It will go back to the Enrolled Bills Committee for deletion of this amendment. SB 19 remains in the hands of Enrolled Bills Committee.

## HOUSE MESSAGES

Concurrence in requests for Committee of Conference

SB 27, relative to the air pollution commission.

The Speaker has appointed Reps. Claflin, Oleson and Junkins.

SB 31, relative to the purchase, sale and transportation of explosives and making an appropriation therefor. The Speaker has appointed Reps. Raymond, Hackler and McGee.

### ENROLLED BILLS

SB 24, reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, providing for additional personnel for data processing, and applying restrictions to the post office renovation and purchase funds.

SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school.

SB 37, relative to fees for medical referees.

CA-CR 2, Establishing a Four Year Term for Governor. PROVIDING THAT: The Governor Shall be Elected Every Four Years on the Nonpresidential Election Years, and no person shall Serve more than Two Terms consecutively.

HB 6, providing for consumer protection and making an appropriation therefor.

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities.

HB 15, to define jurisdiction over dredge and fill operations in waters and wetlands located in this state.

HB 16, authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council.

HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education.

HB 18, relative to the burden of proof relating to comparative negligence.

HB 28, providing for medical facilities at the industrial school and making appropriation therefor.

HB 32, providing for a board of registrars for the city of Nashua.

HB 42, relative to the administration of the insurance laws.

HB 2, establishing a commission to recommend changes in the councilor districts.

HB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.

HB 14, relative to the sale of subdivided land.

HB 45, to legalize certain meetings of the Rye Beach Village District.

HB 47, legalizing the annual town meeting of March 10, 1970, in the town of Hudson and certain special and regular town meetings in the town of Litchfield.

HB 53, relative to sick leave for employees of the city of Manchester.

HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote relative to bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.

HB 55, relative to tax exemption for Nutfield Heights Inc. a community housing project for elderly persons.

HB 56, relative to the definition of obscenity.

SB 7, ratifying the compact for education, and making an appropriation therefor.

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations.

SB 21, to clarify the authority of the water supply and pollution control commission.

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

Paul E. Provost  
For The Committee.

Accepted.

## HOUSE MESSAGES

House request for Concurrence in its action  
whereby it recalled bill from the Governor

HB 46, to legalize the 1969 town meeting in the town of Hampton and has amended the bill as follows:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Proceedings Legalized. The votes and proceedings of the annual town meeting on March 10, 1970 in the town of Hampton, including but not limited to the vote relative to sale of real estate previously leased, are hereby legalized, ratified and confirmed.

Sen. Jacobson in the Chair.

Sen. TUFTS: I move that the Senate concur. This amendment solely relates to a correction. Unfortunately, the House legalized the Town Meeting of 1969 and they meant to legalize the Town Meeting of 1970.

The CHAIR: The Chair is of the opinion that the rules must be suspended whereby we would refuse to take action on any House Bill after the 13th day of the session.

Senate unanimously in favor of suspending the rules.

Motion to concur adopted.

The President in the Chair.

## COMMITTEE OF CONFERENCE REPORT

HB 25, an act to remove certain restrictions on money collected by the board of probation.

See House Journal of April 30, page 323.

Sen. Leonard moved that the Senate not accept the Committee of Conference report.

Sen. LEONARD: We debated this last week. I don't remember the vote, but it was something like 3 to 1 for the original portions of the bill which stopped this payment. No matter how you put it, by taking 5% you are taking it from the children and the family that cannot afford this. If the Finance Committee is trying to raise revenue, I think it is a poor way.

Sen. GILMAN: I urge that the Committee of Conference be accepted. I am aware of the discussion that took place on this item. This took the Committee's attention for an extensive period. Mr. Zachos, an attorney, I think expressed somewhat the same comment as Sen. Leonard, but the position was taken and concurred in by Mr. Zachos that there was no reasonable charge based upon the decision of the Supreme Court. The position was that there should be a proper service charge for this matter. The matter of funds was not a matter of our decision, but we did feel that this was a reasonable charge. Perhaps at a later date, it should be solidified rather than by footnote. In the circumstances, it was felt this should be accepted.

Sen. SPANOS: Would it be in order for me to move non concurrence and ask for a new Committee of Conference?

Sen. GILMAN: If that is the case, I would feel obliged to oppose it, we feel that the House has an adamant position on this, so we can either accept what seems to be an improvement, or else the bill will fail. We think this is an improvement over the footnote.

Sen. CHANDLER: This 5% is only a nickel on a dollar. It is not intended as a revenue measure, more as a service charge. Now, they are taking it out of the mothers' bread money. This way, it will take it out of the fathers' beer money. I support the Committee of Conference report.

Sen. LEONARD: As I have mentioned before, there is not enough money to take care of the mother or father — you are taking this away from the kids. This amendment was put on here to raise \$150,000 — to me, that is a revenue measure. No matter how you cut it, you are taking money away from the kids.

On motion of Sen. Spanos to non concur, the Chair requested a Division.

Twelve voted yes. Nine voted no. Motion prevailed.

The Chair appointed Sens. Gilman, Chandler and Leonard.

## HOUSE MESSAGE

## Request concurrence in suspension of Joint Rules

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax.

Sen. JACOBSON: I move we suspend the Joint Rules whereby no further action may be taken by the originating House after the 9th day and by the second House after the 13th day so as to allow HB 35 to lie first in the House and then in the Senate.

HB 35 deals with some clarification regarding the statute mentioned above. SB 213 was a bill originally submitted on behalf of the Tax Commission in order to clarify some procedures because there was considerable foul-up. In order to check the constitutionality of this, it was sent over to the Supreme Court. The Court has ruled that it is constitutional. Therefore, we need to suspend in order to consider HB 35. This bill provides that persons over 70 who have a net income of less than \$4,000, if single. If married, combined income of less than \$5,000, deducting life insurance, exceptions of cost in running a business, proceeds in the sale of assets. Then a further limitation which would disqualify persons who own assets in excess of \$25,000.

Sen. SPANOS: Has this bill been acted upon by the House as yet?

Sen. JACOBSON: No.

Sen. SPANOS: May this body entertain this bill at the present time if it is a House bill?

Sen. JACOBSON: In order to take action, we must suspend the rules relating to this bill.

(Discussion)

The Chair announced action on this motion to suspend the rules would be by Division vote.

Twenty-one voted yes. No one voting no. Unanimous vote. Carried.

Sen. Foley recorded as voting in favor.



## COMMITTEE OF CONFERENCE REPORT

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse.

See House Journal of April 30, pages 292-297.

Sen. GILMAN: HB 30 was changed only in minor form by the Conference Committee. We did make a reduction in the bill. No change in the division of Public Health. The staff is retained. We deleted 1 consultant in Education, so the attendant cost was removed. In State Police, funds are available for a captain, 3 technical corporals and 2 troopers, also 1 clerk in the drug abuse section. We struck identification laboratory which deleted \$16,000 out of \$25,000 requested for technical equipment. We were advised that federal funds are available for this use. A footnote was added allowing the Dept. of Safety to receive and utilize federal funds, gifts, grants, etc.

Sen. KOROMILAS: What is the net deduction?

Sen. GILMAN: \$52,000. \$2600 for sedan, \$20,000 for consultant. \$15,000 for 1 trooper. \$16,000 for technical equipment.

Sen. SPANOS: What is the total appropriation?

Sen. GILMAN: In the neighborhood of \$270,000 from the \$315,000 as originally requested.

Committee of Conference report adopted.

## COMMITTEE OF CONFERENCE REPORT

HB 33, clarifying the statute relative to management-employee relations at the University of New Hampshire.

See House Journal of April 30, page 291.

Sen. Bradshaw moved reading be dispensed with, as copy of same was on the desk of each Senator.

Sen. Gove moved adoption of report.

## SUSPENSION OF THE RULES

Sen. Armstrong moved suspension to alleviate holding of hearing, and Committee Report to be taken up after the 13th day. Motion carried.

## COMMITTEE REPORT

HB 58, providing for exemption from motor vehicle registration fees for certain disabled veterans. Ought to pass. Sen. Armstrong for Public Works.

Sen. AMSTRONG: As Sen. Lamontagne has explained, this adds the disabled veterans of Korea and Viet Nam to the veterans of World War I and II, those who get cars from the federal government. It gives them the opportunity to register them free.

It is given for disability because of being an amputee as certified by the Veterans Administration and has received a motor vehicle from the U. S. government.

Ordered to third reading.

Sen. Lamontagne moved suspension of the rules to place above bill on third reading and final passage at the present time.

## THIRD READING &amp; FINAL PASSAGE OF BILL

HB 58, providing for exemption from motor vehicle registration fees for certain disabled veterans.

## HOUSE MESSAGE

Concurrence in Amendments  
of Enrolled Bills

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

HOUSE MESSAGE  
Passed following HCR  
Request Concurrence

HCR 8, relative to speakers at the University.

The Chair referred same to Rules and Regulations Committee.

The Chair declared a Recess until 2 P.M.

HOUSE MESSAGES

The House voted to adopt the recommendations of the Committee of Conference on following bills:

HB 30, making appropriations for the treatment and prevention of drug abuse.

HB 33, clarifying the statute relative to management-employee relations at the University of New Hampshire.

ENROLLED BILLS COMMITTEE

SB 19, transferring the office of planning and research to the office of the Governor. Report same under Joint Rule 15 with following amendment:

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Office Transferred. Amend RSA 4 by inserting after section 12-c the following new sections:

4:12-d Office of State Planning. The office of planning and research

Amend RSA 4:12-c as inserted by section 1 by renumbering it to read 4-12:e.

Sen. Provost moved adoption. Adopted.

HOUSE MESSAGE

First, second reading & reference

HB 35, clarifying the statute providing for exemption to persons over seventy against their real estate tax. To Executive Depts.

## HOUSE MESSAGES

## House adoption of Committee of Conference Report

SB 23, increasing the appropriation for the southwestern state park, extending the time for the expenditure of funds appropriated for certain park projects and making an appropriation for the Robert Frost Homestead.

## An Act

increasing the appropriation for the southwestern state park, extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead.

The Committee of Conference to which was referred Senate Bill 23, having considered the same report the same with the following recommendations:

That the Senate recede from its position in nonconcurrency with the House amendments and that the House recede from its position in adopting its amendments and

That the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## An Act

increasing the appropriation for the southwestern state park; providing appropriations for the flume disposal system, purchase of land adjacent to the Robert Frost Homestead, and for the Mount Washington commission; extending the time for the expenditure of funds for certain park projects; and lapsing the balance remaining in the Pawtuckaway reimbursement fund.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Appropriation. Amend Laws of 1961, 263:5-a as inserted by 1965, 281:22 and amended by 1967, 394:18 and 1969, 506:2 by striking out said section and inserting in place thereof the following: 263:5-a Additional Appropriations. In addition to the sums specified in section 5 the following sums are appropriated for the purposes indicated:

Southwestern state park	\$1,500,000
Cannon mountain project	800,000
Connecticut lakes study	25,000
Rye harbor project	7,000
Shelburne basin project	10,000
Sunapee ski lift	500,000
Ossipee lake	400,000
Planning	250,000
Flume disposal system	47,223

Total	\$3,539,223
Less: Federal funds	1,769,612

	\$1,769,611
Additional state funds	163,000
Robert Frost Homestead, land	38,000

---

\$1,970,611

The appropriation for each of the above individually specified projects may not be expended unless participating federal funds are available for that specific project, provided that of the appropriation for additional state funds in the amount of \$163,000, \$125,000 may be used for any expenses for the above programs for which federal funds are not available and the remaining \$38,000 shall be expended by the Mount Washington commission to carry out its duties pursuant to Laws of 1969, chapter 427.

The individual project appropriations as provided above shall not be transferred or expended for any other purpose; provided however, that the governor and council may transfer any balance remaining after completion of any individual project to other projects within the same section.

The appropriation provided by this section shall be available for expenditure until June 30, 1972.

2 Bonds or Notes Authorized. Amend Laws of 1961, 263:6 as amended by 1965, 281:23 and 1967, 394:19 by striking out the same and inserting in place thereof the following: 263:6 Bonds or Notes Authorized. For the purpose of providing funds necessary for the appropriations made by sections 5 and 5-a, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow on the credit of the state

from time to time, a total of ten million, nine hundred seventy thousand, six hundred eleven dollars for the purpose of carrying into effect the provisions hereof and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity date of such bonds or notes shall be determined in each case by the governor and council but in no case shall they be later than 1990.

3 Lapse of Pawtuckaway Reimbursement Fund. The entire so-called Pawtuckaway reimbursement fund, which was placed in escrow with the state treasurer by the governor and council on December 29, 1969, in the approximate amount of \$184,264, plus interest, is hereby lapsed into the general funds of the state.

4 Effective Date. This act shall take effect upon its passage.

Arthur M. Drake  
John B. Goff  
C. R. Trowbridge  
Conferees on the Part of the House

Charles F. Armstrong  
Laurier Lamontagne  
Conferees on the Part of the Senate

## COMMITTEE OF CONFERENCE REPORT

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

The Committee of Conference to whom was referred Senate Bill 10, An Act relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars, having considered the same report the same with the following recommendations:

That the House recede from its position in adopting its amendments, that the Senate recede from its position of non-concurrence in said amendments and that the House and Senate concur in the passage of said bill with the following amendments to said bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to reducing the maximum age for  
assessment of the poll tax from seventy to sixty-eight.

Amend said bill by striking out all after the enacting clause  
and inserting in place thereof the following:

1 Persons Liable. Amend RSA 72:1 (supp) as amended  
by 1967, 206:1 by striking out the same and inserting in place  
thereof the following: 72:1 Persons Liable. A poll tax of two  
dollars shall be assessed on every inhabitant of the state from  
twenty-one to sixty-eight years of age whether a citizen of the  
United States or an alien, except paupers, insane persons, the  
widow of any veteran who served in the armed forces of the  
United States in any wars, conflicts or armed conflicts in which  
it has been engaged, the widow of any citizen who served in  
the armed forces of any country allied with the United States  
in any of the wars, conflicts or armed conflicts as defined in sec-  
tions 28 and 32 of this chapter, and others exempt by special  
provisions of law.

2 Assessment for 1970. The poll tax to be assessed for the  
year 1970 shall be assessed as provided by RSA 72:1 as herein-  
before amended. Further provided that any person who has  
paid his poll tax assessed as of April 1, 1970, and who would  
be exempt from the tax due to the amendment herein provided  
shall be reimbursed for such payment by the town or city. The  
cities and towns are authorized to make repayments hereunder  
without vote therefor by the municipality.

3 Effective Date. This act shall take effect upon its passage.

Richard D. Hanson  
James F. Allen  
Michel Chevette  
Conferees on the Part of the House

Alf E. Jacobson  
Thomas J. Claveau  
Conferees on the Part of the Senate

Sen. LEONARD: The original bill dropped the age from  
70 to 68 and added \$1 on. The Conference Committee changed  
it back to \$2 and the age at 68 is still in there.

Sen. Claveau moved adoption. Adopted.



## HOUSE MESSAGE

Accede to request to discharge Committee of  
Conference and appoint a new Committee

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

The Speaker appointed Reps. Nixon, Zachos and Craig.

## ENROLLED BILLS

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.

Paul E. Provost  
for the Committee

Accepted.

## SUSPENSION OF THE RULES

Sen. Marcotte moved suspension of the rules to permit introduction of a Committee Report.

## COMMITTEE REPORT

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income. Pass with Amendment. Sen. Marcotte for Ways & Means.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Establishing a Director of Business Profits Tax.  
Amend RSA 77-A:15, I as inserted by 1970, 5:1 by strik-

ing out said paragraph and inserting in place thereof the following: I. The commission shall administer the provisions of this chapter. A business profits tax division is created in the tax commission. The commission shall, subject to the approval of governor and council, appoint a director and deputy director of the business profits tax division who shall be unclassified employees and who shall serve at the pleasure of the commission. The director shall have such powers, duties, and functions as the commission may from time to time assign, provided however, that the commission may not delegate the power to determine adjustments under RSA 77-A:13. The deputy director shall perform the duties assigned to him by the director. The commission, as authorized by the governor and council, may employ, subject to the personnel statutes, such additional technical, clerical, and other personnel necessary to carry out the provisions of this chapter. The director, subject to the approval of the commission, is authorized to equip the division with furniture, equipment and supplies and to incur such other expenses necessary to administer the division.

Amend section 7 of the bill by striking out the same and inserting in place thereof the following:

7 Administration of Tax on Certain Income. Amend RSA 77-A:4, I as inserted by section 1 of a bill passed by the 1970 session of the general court entitled an act imposing a tax on certain income and making an appropriation therefor, by striking out the same and inserting in place thereof the following:

I. This chapter shall be administered and enforced by the business profits tax division of the tax commission subject to the supervision of the tax commission. The commission as authorized by governor and council, subject to personnel statutes, shall appoint such additional technical, clerical, and other personnel as the commission shall deem necessary to carry out the provisions of this chapter. The director of the business profits tax division shall have such powers, duties and functions in the enforcement of this chapter as the commission may from time to time assign. The director shall furnish a bond in an amount set under RSA 93.

Amend section 10 of the bill by striking out the same and inserting in place thereof the following new sections:

10 Refund of Tax. Amend RSA 77-A:7 as inserted by an act imposing a tax on certain income passed by the 1970 session of the general court by striking out the same and inserting in place thereof the following:

77-A:7 Returns and Refunds of Individuals.

I. A taxpayer shall file a return of his net income for such a period and on such accounting basis under the internal revenue code. For each taxable year, returns shall be made to the commission in such form and manner and to such extent as it shall prescribe by regulations, by the following taxpayers:

(a) A resident having for such taxable year any New Hampshire taxable income as defined in RSA 77-A:1; provided, however, that if it shall appear to the satisfaction of the commission that any residents of this state, or class of residents of this state, who are subject to the tax imposed by this act, are liable for tax upon the same income under the law imposed for the taxable year by another state and are thereby entitled to a credit allowed by section 2 of this chapter against the tax otherwise due under this chapter, the commission shall by regulation relieve such residents or class of residents from being required to make any return under this chapter.

(b) A nonresident having for such taxable year New Hampshire derived income of two thousand dollars or more.

II. A husband and wife may make a single joint return to the commission for a taxable year for which such a return is filed under the laws of the United States. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

III. Whenever a taxpayer shall file a return which shows that his withholding tax or estimated tax exceeds the amount of tax liability due under this chapter, he shall be due a refund and the tax commission shall forthwith

certify the amount of said refund to the state treasurer who shall pay the same to the taxpayer; provided, however, that at the option of the taxpayer, said refund may be credited against any tax due from said taxpayer for the succeeding calendar year.

IV. Any refund or credit due a taxpayer pursuant to paragraph III for which said refund or credit is not requested within five years shall be deemed the property of the state of New Hampshire.

11 Withholding of Tax. Amend RSA 77-A:10 as inserted by an act imposing a tax on certain income passed by the 1970 session of the general court by striking out said section and inserting in place thereof the following:

77-A:10 Who Must Withhold. Every employer, as defined under the laws of the United States in effect April 26, 1947, with respect to income tax collected at its source, employing any person liable for a tax pursuant to the provisions of this chapter shall deduct and withhold upon wages paid to said employee, a tax equal to four percent of such wages subject to the provisions of RSA 77-A:13.

12 Repeal of Tax on Forest Products. RSA 73:11, 12, 13, 14, 15, and 16 relative to a tax on forest products is hereby repealed as of March 31, 1970.

13 Return to Cities and Towns. Amend RSA 31-A:2 (supp) as inserted by 1970, 5:16 by inserting in line ten after the letters and numerals "RSA 73:26" the words (the tax on forest products under RSA 73:11 through 16 inclusive) so that said section as amended shall read as follows:

31-A:2 Calculation and Certification of Basis for Return of Revenue. Prior to October 1, 1970 the tax commission shall calculate and certify to the state treasurer the amounts collected by each city and town under 1969 assessments of the following taxes: the tax on machinery under RSA 72:7; the tax on stock in trade under RSA 72:15, I; the tax on neat stock under RSA 72:15, V; the tax on poultry under RSA 72:15, VII; the tax on motor vehicle fuel pumps and tanks under RSA 72:15, VIII; the tax on certain machinery under RSA 72:15, IX; the tax

on domestic rabbits under RSA 72:15, X; the tax on fur bearing animals under RSA 72:16; the tax on portable mills under RSA 72:17; the tax on studhorses and jackasses under RSA 73:26; the tax on forest products under RSA 73:11 through 16 inclusive.

14 Debt Limits. Amend RSA 33:4-b (supp) as inserted by 1955, 329:1 and amended by 1957, 120:4; 1959, 209:4 and 1970, 5:6 by striking out the same and inserting in place thereof the following: 33:4-b Debt Limit; Computation. The debt limitations hereinbefore prescribed, except for counties, shall be based upon the applicable last locally assessed valuation of the municipality as last equalized by the tax commission, and shall include the equalized value of property formally taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27 and 73:11 through 16 inclusive, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 special session of the general court, as amended, as determined under the provisions of RSA 71:11, V, as amended. Whenever several municipalities possessing the power to incur indebtedness cover or extend over identical territory, each such municipality shall so exercise the power to incur indebtedness under the foregoing limitations so that the aggregate net indebtedness of such municipalities shall not exceed nine and seventy-five hundredths (9.75) percent of the valuation of the taxable property as hereinbefore determined, except as provided for cooperative school districts under RSA 195:6. A written certificate of the tax commission, signed by any member thereof, shall be conclusive evidence of the base valuation of municipalities for computing debt limits hereunder.

15 Equalization. Amend RSA 77:11, V (supp) as amended by 1957, 102:1; 1967, 327:2; and 1970, 5:7 by striking out the same and inserting in place thereof the following: V. Equalization. In every even-numbered year to equalize the valuation of the property in the several towns, cities and unincorporated places in the state by

adding to or deducting from the aggregate valuation of the property as assessed in towns, cities and unincorporated places such sums as will bring such valuations to the true and market value of said property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27 and 73:11 through 16 inclusive all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 special session of the general court, as amended, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA chapter 31-A, and by making such adjustments in the value of other property from which the towns, cities and unincorporated places receive taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just as between them.

16 Transfer of Office of Planning Funds. Amend section 2 of an act transferring the office of planning to the governor's office passed by the 1970 session of the general court by striking out the same and inserting in place thereof the following: 2 Transfer of Funds. All monies appropriated to the office of planning and research, division of economic development, department of resources and economic development and all monies available to it from any source is hereby transferred to the office of state planning, in the office of the governor, except for those monies appropriated by the budget of said department for the aforementioned positions of two resources planners, this money is hereby transferred to the office of commissioner, department of resources and economic development.

17 Effective Date. This act shall take effect upon its passage.

Sen. GOVE: HB 57 is the bill that follows and amends HB 1, SB 19 and HB 41.

Amendments to HB 1 made in HB 57 are as follows:

1. Section 1 returns the tobacco tax discount to its present  $3\frac{1}{2}\%$  from  $3\%$  as written in HB 1.

2. The next provision has to do with the administration — the way the Commission shall administer the provisions of the chapter and the manner in which the director and deputy director are employed. It also places these two positions in the unclassified category. The Senate Ways & Means Committee has amended this section of HB 57 to bring approval of Governor and Council in the Commission's hiring of a director and deputy director.

3. Section 5 requires the oath only in the course of a hearing.

4. A provision, not expressed in the original bill, makes it clear that the taxpayer exempted from filing a declaration should pay the amount of the tax due and payable at the time the return required is filed. (Sec. 6)

Amendments to HB 41 made in HB 57 are as follows:

1. Section 7 provides for the administration of the non-resident income tax and again the Senate Ways & Means Committee has included the approval of Governor and Council in the Commission's hiring of staff. The main change here is to put the administration of the income tax law under the business profits tax division rather than a separate "division of commuter income tax of the commission" as in the original HB 41.

2. Section 8 eliminates the possibility of double taxation in regard to the business profits tax and the income tax.

3. Section 9 again would require oath only in the course of a hearing.

The other two sections of HB 57 — 3 and 4 — specify the compensation for the director and deputy director.

The Senate Ways & Means Committee offered amendments to HB 57 in order to clarify sections of HB 41. The Committee felt that provisions for refunds should be spelled out in the bill; hence amended section 10, paragraph IV to accomplish this purpose. Also, in section 11, the Committee provides that employers withhold from their employees subject to the tax,  $4\%$  of their wages from the time of their first pay check.



Section 12 repeals the tax on forest products, which was not provided for in HB 1, but should have been since this tax is in actuality a stock-in-trade tax and should have been taken care of in HB 1.

Sen. KOROMILAS: I am aware that this is a trailer bill. I just want to point out that along with the matter of oath — in addition to that one particular change there are at least 10 or 11 amendments to HB 1 and HB 41. As I have said before, and I will restate it again, for me in order to get a situation, one has to gulp 9 or 10 amendments to go with them. With respect to the provisions in the amendment that has to do with farm products. For some reason, the executive committee of the Task Force did not include farm products in the sense that they should be included which would mean loss of revenue. A total of \$750,000 or \$32,000 for each and every city and town will lose, so we are cutting off from the city and town \$32,000 for money coming in from the business profits tax. This was not considered at the time the bill was originally drafted. Last Tuesday afternoon was the first time that we had heard about this. I feel that by just reducing this is a step in the wrong direction. I feel that this particular amendment is a wrong amendment. I did say so in Committee and I say so on the floor. I feel that in the future, something will be done with respect to passing bills on their merit, and later on tacking on trailers. I think this is the wrong procedure. Federal government does not do it. I dare say that no one has ever heard of the federal government doing what we are doing in New Hampshire. This is a poor practice.

Amendment adopted. Ordered to third reading.

Sen. Bradshaw moved suspension of the rules to place above bill on third reading and final passage at the present time.

### THIRD READING & FINAL PASSAGE OF BILL

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

Sen. FERDINANDO: I would like to read a letter from Mr. Gross who helped draft the bill.

April 29, 1970

Memorandum Re: Gross Business Profits of a Proprietor Operating Multiple Businesses

This memorandum concerns the computation of tax liability by a sole proprietor who may be operating not one, but several different business operations; for instance, the businessman who operates a farm and a filling station; or the businessman who operates a drug store and a filling station; or the businessman who operates a filling station and rental property.

Under the provisions of RSA 77-A:1, of the business profits tax as passed by the Legislature, gross business profits of a proprietor are defined as net profit shown on his federal Schedule C, net income from rentals as shown on Schedule E, net farm profits as shown on Schedule F in case of a farm and net gains from the sale of capital assets held for business use. When putting together his federal return, if any of the schedules show a loss rather than a profit, the amount of the loss would be indicated by a parenthetical figure. In computing his federal income tax, the proprietor would net out losses against profits in order to arrive at his adjusted gross income for federal tax purposes.

Fairly read, the same result is reached with respect to the business profits tax. Hence, for business profits taxes, a proprietor operating several businesses, some of which are profitable and some of which operate at a loss, will be permitted to net out the losses against the profits to arrive at the amount of his "gross business profits."

Martin L. Gross

Sen. KOROMILAS: The Committee on Ways & Means raised the question if a person had more than one business, where the loss in (a) would be applied to (b). In other words, if a person could offset a gain by a loss. We were told that specifically as the bill now reads, a person who loses money on a second business will be able to offset the gain by another with respect to the business profits tax.

Sen. SPANOS: I would like to be recorded as opposed to HB 57 as it amends HB 1 which I opposed.

Sen. Bradshaw moved reconsideration.

Motion lost.

## HOUSE MESSAGE

## Adoption of Committee of Conference Report

CA CR 5, Relating to: Amendment of Proposal relative to Art 15, Part Second of the Constitution.

See House Journal of April 30, pages 297-301.

Sen. Chandler moved further consideration of this bill be indefinitely postponed and spoke against the report.

Sen. Lamontagne spoke against the motion.

Sen. ENGLISH: As I understand it, this CA CR 5 simply clarifies the intent of the Legislature when two previous proposed amendments deal with the same Chapter in the Resolution. This is a technical proposal and I believe it will be helpful.

Sen. BRADSHAW: Sen. English has spoken most of what I had intended to say. I am against the motion and hope the Senate will accept the amendment.

Motion to indefinitely postpone was lost.

On adoption of Committee of Conference Report, 20 voted yes. No one voted no. The Senate voted to adopt the Committee of Conference Report.

## RULES SUSPENDED

Sen. Jacobson moved suspension to dispense with holding of public hearing, and permit introduction of Committee Report.

## COMMITTEE REPORT

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax. Ought to pass. Sen. Jacobson for Executive Depts.

Sen. JACOBSON: In the last Session, the General Court passed SB 213 in an amended form which granted a real estate tax exemption, for those persons over 70 — who did not possess assets, including real estate, in an amount in excess of \$25,000 and did not have *per annum* income as a single individual of more than \$4,000 or as a couple of more than \$5,000. The bill that passed and became law had a number of confusions and entanglements which created problems for the Tax Com-

mission. So it asked that in this Special Session a clarifying bill be introduced which would not only clarify but also simplify some of the administrative problems raised in the local communities with respect to this exemption.

Since we have not had time to see the bill and the amendments in the normal process, I would like to explain in detail what the changes are.

The first change is to add the word "residential" to the words "real estate." The bill that passed in the last Session simply said "real estate to the assessed value of \$5,000 shall be exempt" from the tax. This caused considerable confusion and the word "residential" was added so that it now reads "residential real estate."

A new phrase is added in order to equate the \$5,000 exemption throughout the State on the basis of 100% evaluation. In some towns and communities, there is not an assessed valuation based upon 100%. Some are as low as 30% or 40% and with an exemption of \$5,000 based on a 30% or 40% formula, these would receive a much bigger exemption than would persons living in a community in which there was 100% evaluation. So as to make it uniform throughout the State, there is a provision which provides in that local community which is not at 100%, it will assess for this purpose at 100% so that no person over 70 living in a community where the assessed valuation is at a level of less than 100% will be getting a larger exemption than someone living in a community where it is 100%.

Then the bill changes the sentence "owned by a person 70 years of age or over" to "owned by a resident." This corrects a confusion whereby it might be possible for a non-resident owning property in New Hampshire to claim the exemption so that it now clearly states that only residents of the State of New Hampshire are eligible.

Then this bill eliminates some language relating to domicile which was very confusing and according to the Tax Commission difficult to deal with.

Under 72:40, the bill deletes the words "real estate tax" from the sentence, "No real estate tax exemption shall be allowed unless the person applying therefor" can qualify and substitutes "No exemption shall be allowed unless the person applying therefor" can qualify.

This bill also lowers the present law from a 10 year period of residency to a 5 year period of residency. The original House Bill had only one year residency requirement. The House Committee raised it to 5 years and then added a phrase, "On or before April 1 in the year in which the exemption is claimed."

The statute says that qualified persons shall not have more than \$4,000 taxable and non-taxable. The bill eliminates this and makes it read "from all sources." Certain exemptions are added to this \$4,000 if single and \$5,000 if married, which include life insurance paid on the death of an insured; expenses and costs incurred in the course of conducting a business enterprise; and proceeds from the sale of assets. The reason for exempting the proceeds from the sale of assets is to prevent double counting.

The old bill had parts 5 and 6 with part 5 containing a real estate property exemption of \$17,500, and part 6, an exemption of total assets of \$25,000, including the real estate exemption. Now this has been combined into one sentence in which qualified persons cannot own assets in excess of \$25,000. Thus, if their only asset is a house, they can actually own a house up to the assessed value of \$25,000. A number of elderly people have as their only asset beyond social security and whatever other small income they have their house. This provision gives a certain amount of elasticity at this point. Two paragraphs in the present law in this section are dropped out. They deal with the complicated domicile features which the Tax Commission found it difficult to deal with.

In section 3 the only thing added is the last phrase, "but in no case shall the total exemption to all persons exceed the amount provided in RSA 72:39." What this means is that in any case of two people being over 70, as man and wife their exemptions cannot exceed \$5,000. Under the law as presently written, it was possible to get a double exemption of \$10,000 exemption. This provision prevents that.

Then in section 4, the changes made by the Committee in the House include changing April 15 to June 15 so as to allow persons to qualify this year. If April 15 were left in, it would disqualify them for this year. The appeal section has been slightly rewritten but the effect is the same.

There is a new section added to the present statute by the bill and that relates to the question of regulation by the Tax Commission so that in questions of dispute the Commission has the authority to operate with reasonable regulations so that the spirit of the legislation is relatively uniform throughout the state.

The House added another part to its amendment which disallows a practice that seemed to be growing in which a person, like myself, under 70 years of age could transfer to my mother, if she were alive, or my mother-in-law, who is alive, my property and get the exemption. This prevents that kind of illicit transfer. If any such transfer takes place, it must wait five years in order to qualify for the exemption. In summary, the House amendment adds this clarification and changes it from one year to five years.

Sen. KOROMILAS: You explained the situation where an elderly person owning a house valued at \$25,000, and that is his only asset, he would not get an exemption under this bill?

Sen. JACOBSON: That is correct.

Sen. SPANOS: Will this exemption apply for this April 1970 date?

Sen. JACOBSON: It will apply to this year's taxes, but they will have the opportunity to make this application up to June 15.

(Discussion)

Sen. SPANOS: I rise in support of this legislation. I think the amendments have made this a better bill.

When I discussed HB 1 earlier in the session relative to the priorities of tax relief, this was one of the areas I was talking about — elderly persons with fixed income or little or no income who cannot keep up with inflation.

This bill doesn't go far enough — but it is a start. And as I supported this bill when introduced by Senator Foley in the regular session, I stand in favor of it today.

Sen. KOROMILAS: I would like to speak. I do support this bill, but I feel that it is discriminatory to those people who may have a dwelling that may be worth a little more than \$25,000. I have had letters from my constituents with respect

to this and some of these people do have a house worth more than \$25,000. I wish the Committee had gone along with the figure of \$30,000 to take care of these people. I feel that \$25,000 is a little too low.

Sen. LAMONTAGNE spoke in support of the report: I think the Committee has done a good job and the Chairman has done an excellent job in explaining it.

Ordered to third reading.

Sen. Spanos moved suspension to place the bill on third reading and final passage at the present time.

### THIRD READING & FINAL PASSAGE OF BILL

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax.

Sen. Jacobson moved reconsideration. Motion lost.

### ENROLLED BILLS

HB 22, relative to salaries of Carroll county attorney, Carroll county treasurer, salaries of certain county officials of Belknap county and authorizing counties to establish highway safety programs.

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse.

HB 33, clarifying the statute relative to management-employee relations at the university of New Hampshire.

HB 46, to legalize the 1970 town meeting in the town of Hampton.

HB 58, providing for an exemption from motor vehicle registration fee for certain disabled veterans.

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

Paul E. Provost,  
for the Committee

Accepted.



## HOUSE MESSAGE

House Refusal to Concur in Committee of  
Conference Report and Request new Committee

SB 27, relative to the air pollution commission.

The Speaker appointed as new members, Reps. Urie, Kopperl and Oleson.

Sen. Porter moved the Senate discharge the Committee of Conference requested by the House and ask the House to discharge its Committee of Conference and adopt the amendment offered by the House.

The CHAIR: This motion has been checked with Legislative Services.

Motion carried.

## HOUSE MESSAGES

House concurrence in amendments

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

House Concurrence in amendment of  
Enrolled Bills

SB 19, transferring the office of planning and research to the office of the Governor.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Office Transferred. Amend RSA 4 by inserting after section 12-c the following new sections:

4:12-d Office of State Planning. The office of planning and research

Amend RSA 4:12-c as inserted by section 1 by renumbering it to read 4:12-e.

## COMMITTEE OF CONFERENCE

SB 25, relative to the Dept. of Data Processing.

Sen. JACOBSON: SB 25, as originally passed by the Senate with a small clarifying amendment, was further amended

by the House and that amendment was one of the meaty portions of the bill for it deleted the exemption which was included in the original SB 25 — the exemption for the Department of Employment Security. When we got into a Committee of Conference, the House conferees wanted to have an amendment added which made the Commissioner of the Department of Employment Security a tenured individual, his tenure beginning approximately the first of July, 1970 and running for 5 years with reappointment every 5 years. The Senate conferees felt that amendment went far beyond the nature of this bill and went to the whole question of tenure which is another issue and that it should not be introduced at this time. The House conferees argued that the House wanted to have the bill as it had amended it, that is removing the exclusion of the Department of Employment Security. The Committee of Conference then tried to bring together the original Senate position with the House position and this amendment is an effort to compromise.

First, I would call your attention to the word "jointly" which appears on line 8 of page 2 of the Committee of Conference Report. This deals with basic operational functions of the Department of Centralized Data Processing and the Department of Employment Security in which the forms shall be approved jointly. Under the House version, the approval would be with Centralized Data Processing. Under the Senate version, the forms for Employment Security still would be directly under the Department of Employment Security, so that this amendment brings the two of them together in a discussion of a joint relationship.

Then the second and most profound part of this is the last sentence. Under the present statute, the Department of Employment Security has a special exception whereby it can keep its records confidential from the right-to-know law, Chapter 282. The decision of confidentiality is with the Commissioner of Employment Security. What this amendment does — it maintains that, but a person who is refused information by the Commissioner may then appeal to the Governor and the Governor then can make the final decision with regard to whether this information shall be released or shall not be released. Again, this was an effort at compromise. The House wanted to open it up: the original Senate-passed bill kept it as it is now. And this sentence is an effort to compromise which

keeps it as it is but also provides a method of appeal from the present process.

Then finally, the amendment protects the Department of Employment Security or any other agency from the possibility of the return of data processing equipment to the Federal Government in the event that by some means some State law or regulation might violate the agreements made between the Federal Government with respect to equipment fully funded by the Federal Government. This is the Committee of Conference report.

Sen. Bradshaw moved the Senate adopt the Committee of Conference report.

Sen. LAMONTAGNE: I move that SB 25 be indefinitely postponed. As much as I hate to do this, but seeing that we are in the closing hours of the special session and for another one of these "cuties" — I personally feel at this late hour, it is kind of wrong. The rest of the bill can be taken up at the next regular session, which will only be a few months away. My main concern is with the last paragraph; the "right to know" law. Under the federal statutes, the Employment Security records are supposed to be confidential. I would hate to be the Governor and have to make a decision like this. The records are supposed to be confidential and I don't think they should be in the hands of one person.

Sen. KOROMILAS inquired of Sen. Jacobson: Are you aware that there is a special committee to whom people who are not satisfied with the Employment Security Dept. can go at the present time?

Sen. JACOBSON: No. I was not aware of that.

Sen. GILMAN: It is my understanding that this provision relating to confidential, is the one provision to which you object?

Sen. LAMONTAGNE: Yes.

Sen. JACOBSON inquired: As I understand your response, that is the only thing you object to?

Sen. LAMONTAGNE: That is true. These records are something that should not be open to the public.

Sen. KOROMILAS: Is that motion in order, to indefinitely postpone?

The CHAIR ruled that it is in order. The Chair has not altered his ruling. The question is on motion to indefinitely postpone SB 25.

Sen. LAMONTAGNE: I would like to withdraw my motion.

Sen. LAMONTAGNE: I move that we non concur and ask for a new Committee of Conference.

Sen. SPANOS: I support the pending motion of Sen. Lamontagne. I do so because I am also troubled with the latter part of the bill. As I understand the law to read today, the Dept. heads have the right to ask for records within the Dept. of Employment Security. This would open the door to the public. Governor Peterson, or whoever the Governor might be, could be swamped with calls about this. This makes me doubt, to some degree, the feasibility of that last sentence.

Sen. GILMAN: Upon review of what this chapter does, it modifies the RSA within the jurisdiction of the Commissioner. I find this a completely inappropriate area of this kind. We started out as Data Processing. We now find ourselves faced with other things. I agree with motion of Sen. Lamontagne.

Motion for appointment for new Committee of Conference carried.

The Chair appointed Sens. Jacobson and Claveau.

#### HOUSE MESSAGE

Concurrence in request for new  
Committee of Conference

SB 25, relative to the Dept. of Data Processing.

The Speaker appointed as new members, Reps. S. Clark, Bowles and Craig.

#### COMMITTEE OF CONFERENCE

SB 31, relating to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

The committee of conference to which was referred Senate Bill 31 having considered the same report the same with the following recommendations: That the Senate recede from its position of nonconcurrency in the House amendments and concur in the adoption of said amendments.

That the House and Senate each adopt the following amendments to the bill.

Amend RSA 158:9-a as inserted by section 1 of the bill by striking out paragraph IV and inserting in place thereof the following:

IV. Notwithstanding the provisions of paragraph I, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may transport the same in the course of his employment if the employer has obtained a license in its name as provided in RSA 158:9-b.

V. Notwithstanding the provisions of paragraph II, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may purchase the same in the name of his employer if said employer has obtained a license in its name as provided in RSA 158:9-b. In such case, the seller shall record the name, address and license number of the employer, the name and address of the employee, the date of the sale, the type and quantity of explosive, the serial number of the explosive sold, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

VI. For the purposes of this section, the term "high explosive" shall mean and include dynamite, any explosive compound of which nitroglycerin forms a part, fulminate in bulk or dry condition, blasting caps, detonating fuses, blasting powder or other similar explosive but shall not include black powder used in sporting rifles.

Amend said bill by striking out section 3 and inserting in place thereof the following new sections:

3 Special Appropriation. The sum of two thousand dollars is hereby appropriated to be expended by the aeronautics commission for taxiway construction at the Twin Mountain Airport provided the same amount is made available for the same purpose from local funds. The state appropriation hereunder

shall be deemed to be a part of the appropriation for capital improvements under 1969, 505:1, III and the bond issue provided by 1969, 505:8 shall be increased by the amount of this additional appropriation, namely two thousand dollars.

4 Effective Date. RSA 158:9-a as inserted by section 1 of this act shall take effect July 1, 1970 and the remainder of this act shall take effect upon its passage.

Russell A. Mason  
Thomas J. Claveau  
Conferees on the Part of the Senate

Sumner W. Raymond  
Jacob M. Hackler  
Edna B. McGee  
Conferees on the Part of the House

Sen. MASON: The Committee of Conference has agreed to adopt the amendment that we passed on the floor of the Senate. It further amends the appropriation in the sum of \$2,000 to be used by the aeronautics commission for taxiway construction at the Twin Mountain Airport, provided the same amount is made available for the same purpose from local funds.

Sen. ARMSTRONG: I wish to speak in support of the Committee of Conference report. The town of Twin Mountain has appropriated \$2,000 to provide the runway. This is something that would be done next session anyway.

Sen. LAMONTAGNE: I am in agreement with the report and also with Sen. Armstrong.

Sen. GILMAN: May I be assured that these are not general funds appropriation?

Sen. LAMONTAGNE: Yes.

Conference Committee report adopted.

## HOUSE MESSAGE

### Concurrence in Conference Report

SB 31, relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

## DISCHARGE OF COMMITTEE

Sen. Leonard moved the Senate discharge the Committee of Conference on the following bill and appoint a new one:

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

Motion carried.

The Chair appointed Sens. Gilman, Armstrong & Leonard.

## HOUSE MESSAGE

Voted to Discharge Committee of Conference  
and request appointment of new one

SB 8, increasing the salary of the Strafford county attorney.

The Speaker has appointed Reps. Tirrell, Chasse and Pray.

Sen. Koromilas moved concurrence.

The Chair appointed Sens. Koromilas and Marcotte.

## COMMITTEE OF CONFERENCE REPORT

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.

See House Journal of April 30, pages 308-311.

Sen. JACOBSON: I will not enter into all of the details of the salaries. These are already well known to the members of the Senate.

The House wanted to add HB 38, HB 9 and HB 11 to HB 2. However, this is not possible under Joint Rule 13. So, we were then clearly limited to HB 2. The Senate will remember that we amended HB 2 by adding a salary escalator clause for the first 11 classifications. That was withdrawn by the Committee of Conference and in its place was a directive established for the Advisory Committee established to study the salaries and



also study the matter of escalation and report back to the 1971 session. This has the approval of S E A.

Another part of the Senate amendment relative to the non academic employees of the University of New Hampshire; that amendment remains in. The effective date of this bill is changed from April 1st to April 3, in order to correspond with pay schedules. There is one additional amendment and it is the amendment which you find on Page 3, Section 8. The effect of this amendment is to the authority to the fiscal committee of the General Court to pass on matters of qualified personnel and to increase the salary rates of unclassified employees, before it goes to Governor and Council. This adheres also to Section 9 on Page 4. In other words, there is inserted a review authority for the fiscal committee of the General Court with regard to changes in classification and in salary rates. Those are the amendments that have been developed by the Committee of Conference on HB 2. In all other respects, it remains the same.

Sen. LAMONTAGNE: You mention about study in the proposed amendment. Is there any reference to HB 38?

Sen. JACOBSON: No. There is no such.

Sen. Jacobson moved adoption of Committee of Conference report.

#### COMMITTEE OF CONFERENCE REPORT

SB 3, relative to the governor's office staff, employment of a counsel and making an appropriation for the office of the counsel.

The Committee of Conference to which was referred Senate Bill 3, having considered the same report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment and that the House recede from its position in adopting its amendment and that the House and Senate each adopt the following amendments to the bill.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Staff. Amend RSA 4:12 by striking out the same and inserting in place thereof the following: 4:12 Governor's staff. The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. He shall fix their compensation within the limits of the appropriation made therefor, provided however that the annual compensation of the legal counsel shall not exceed nineteen thousand thirty-two dollars. The limitation placed upon the salary of the legal counsel shall not be construed to make the person filling said office an unclassified employee but he shall be in the same status as all other employees of the governor's office.

2 Repeal. RSA 4:13 relative to gubernatorial secretaries and clerical assistants is hereby repealed.

3 Effective Date. This act shall take effect July 1, 1970.

James Koromilas  
Thomas J. Claveau  
Conferees on the Part of the Senate

William T. Andrews  
Mildred L. Palmer  
Maria L. Carrier  
Conferees on the Part of the House

Sen. KOROMILAS: This bill is the bill that would give the Governor a staff; professional people, clerical people, plus Counsel. The Committee amended the bill to limit \$19,032 for the Counsel. This is the high side of the Deputy Attorney General. The House removed that limitation and the Senate conferees were able to get it back on with the condition that the person who works for the Governor as legal Counsel will not be considered a non classified employee. The Chairman of the Finance Committee says, that in his opinion, the expenses for the general Counsel were included in HB 51. For that reason, that particular part of the bill has been removed. The Com-

mittee of Conference requests a limitation of \$19,032 as salary of the legal Counsel. It allows him to be handled in the way that the Governor wants him to be handled; neither classified nor unclassified. The appropriation for legal Counsel's office has been deleted.

Sen. LAMONTAGNE: Can you explain Section 2 — repeal — on Page 2?

Sen. KOROMILAS: That is the old law. 413 is being repealed and replaced with the new section.

Sen. Koromilas moved adoption of Committee of Conference report.

### ANNOUNCEMENT BY THE CHAIR

The Chair announced that Sen. English would replace Sen. Gilman on the Committee of Conference on following bill because of absence of Sen. Gilman:

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

### HOUSE MESSAGE

House concurrence in Committee of Conference

SB 3, relative to the Governor's office staff, employment of a Counsel, and making an appropriation for the office of the Counsel.

### SUSPENSION OF THE RULES

Sen. KOROMILAS moved suspension of Joint Rule 27 not to require a copy of the Conference Report on HB 7, making the possession of a pound of marijuana a felony and relative to the Sessions, clerk, entry fees, and reports of the supreme court.

The CHAIR announced this would require a two thirds vote.

Standing vote was unanimous.

See House Journal of April 30, pages 312-314.

Sen. KOROMILAS: The only reason I asked for this suspension in the first place was to expedite matters. The reason for the copies of Committee of Conference on HB 7 is to get this out of the way to get on to some other business.

The content of HB 7 would make the possession of hypodermic needles a crime. This was taken out by the Senate. The House refused to concur. 1. They said every hypodermic needle that has been used should be destroyed. 2. They said when a person buys a hypodermic needle at a drug store, his name must be taken. 3. The other point, that about the marijuana provision — if a person has in his possession a pound or more, a misdemeanor becomes a felony. Now, what happens in the Supreme Court, the present law says they have to meet at the State Library. A part of this bill provides that the Supreme Court may sit elsewhere. After this bill is passed and signed, then when the new Supreme Court building is ready for occupancy some time in September, the Supreme Court can sit there. There are other provisions with respect to the recorder of the Supreme Court. At the present time, the fees that are paid to the Supreme Court by clients go to the Clerk of the Supreme Court. This would change that and have all the fees go to general funds. Also, advance sheets — this would put the money into the general fund. This is, in effect, what the bill does.

Sen. Koromilas moved adoption of report of Committee of Conference.

### ENROLLED BILLS

SB 23, increasing the appropriation for the southwestern state park; providing appropriations for the flume disposal system, purchase of land adjacent to the Robert Frost Homestead, and for the Mount Washington commission; extending the time for the expenditure of funds for certain park projects; and lapsing the balance remaining in the Pawtuckaway reimbursement fund.

CA-CR 5, Concurrent Resolution Proposing Constitutional Amendments Relating To: Amendment of Proposal relative to Art. 15 Part Second of the Constitution.

SB 19, transferring the office of planning and research to the office of the governor.

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax.

Paul E. Provost,  
for the Committee

Accepted.

### SUSPENSION OF THE RULES

Sen. Bourque moved suspension of the rules, under Joint Rule 27, to give consideration to Committee of Conference report without report being in the hands of each member on following bill:

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

See House Journal of April 30, pages 316-322.

Sen. BOURQUE: The report differs in only one respect. That is on Page 4, 5th line from the bottom the words "the investigation" have been changed to "such hearing." This is the bill that was intentionally put in conference to give the conferees sufficient time to study it. It is designed to prevent fraud in the sale of house lots in the State. If a person is selling 50 or more, they must be listed with the Attorney General. It provides for recording at register of deeds. It is an extensive bill and we have given it study. It has the approval of the Attorney General. I move adoption.

Motion carried.

Report Adopted.

### SUSPENSION OF THE RULES

Sen. Jacobson moved suspension of Joint Rule 27 whereby it is required that a printed copy of the proposed Committee of Conference be in the hands of each Senator.

Two thirds vote needed. Unanimous vote in favor.

## COMMITTEE OF CONFERENCE REPORT

SB 25, relative to the department of centralized data processing.

The Committee of Conference to which was referred Senate Bill 25, an act relative to the department of centralized data processing, having considered the same report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment and that the House recede from its position in adopting its amendment and that the House and Senate each adopt the following amendment to the bill:

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 Federal Rules. Amend RSA 8-C (supp) as inserted by 1967, 253:1 by inserting after section 9 the following new section: 8-C:10 Federal Exceptions. If any department or agency of the state is advised by the federal government that its data processing equipment or its forms, methods or techniques in utilizing said equipment does not comply with any federal rule, regulation or law, then the governor and council may authorize the department or agency to alter its data processing equipment or its forms, methods or techniques to comply with any such rule, regulation or law. Automated data processing facilities and equipment of any department or agency of the state paid for completely by federal funds shall be utilized to the fullest extent permitted by federal rule, regulation, or law for the general benefit of the state for applications not in conflict with other provisions of this chapter, and all data in said equipment which by federal rule, regulation or law must not be kept confidential shall be made available by any such department or agency to all state agencies including the department of centralized data processing, to the maximum extent permitted by federal rule, regulation or law in a form approved by the department of centralized data processing except that in the case of the department of employment security such form shall be approved jointly by the department of centralized data processing and the department of employment security. Any dispute arising between any such department or agency and any other state agency as to the utilization requested by the department of centralized data processing of said facilities, equipment and

data shall be resolved by the governor. Notwithstanding the provisions of RSA 91-A:6, the governor shall have the power to determine the applicability of RSA 91-A in all matters pertaining to the department of employment security.

Alf E. Jacobson  
Thomas J. Claveau  
Conferees on the Part of the Senate

Shirley M. Clark  
Raimond Bowles  
William H. Craig  
Conferees on the Part of the House

Sen. JACOBSON: The reason that I have asked for the suspension of Joint Rule 27, you will note that the Committee of Conference report is exactly the same as the previous one except for the last sentence. That sentence is deleted. So my explanation on the prior report is exactly the same with the exception of the last sentence. I move adoption of the Committee of Conference report.

Motion carried.

## HOUSE MESSAGE

### Concurrence in Committee of Conference

SB 25, relative to the Dept. of centralized Data Processing.

## COMMITTEE OF CONFERENCE REPORT

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971.

See House Journal of April 30, pages 324-337.

Sen. TOWNSEND (substituting for Sen. Gilman): The Committee of Conference after two days of conferences have made a series of recommended amendments to this bill.

1. We have deleted the Flume sewage disposal system from the general funds and that will be bonded. We did the same on the prison conversion of the heating system. That also will be bonded.

2. We have added \$19,200 for radiation surveillance.



3. We deleted \$4,015 from custodial care at New Hampshire Hospital.

4. Under vocational education acts we reduced the appropriation from \$250,000 to \$150,000.

5. In the area of algae control, we reduced the appropriation by \$50,000, but this does not affect the total to be expended because the New England Regional Commission has offered us a grant of \$50,000.

The total appropriation to be expended after we made our estimates in revenue left us in account 6 million, three hundred seventy-one thousand, four hundred ninety-four dollars. We added to that the back surplus of 5 hundred thousand, giving us a total of 6 million, 871 thousand, four hundred ninety-four dollars. From that we had to take out provisions for Senate and House bills which call for appropriations, totaling 6 million, 376 thousand, three hundred and thirteen dollars. This gave us a projected surplus June 30, 1971, 495 thousand, one hundred eighty-one dollars. Then we had to reduce that by 235 thousand dollars because in the Committee of Conference on the classified salary bill, the appropriation originally called for 855 thousand, two hundred dollars was increased by 235 thousand, so we had to reduce our projected surplus, which brought it to 260 thousand, 181 dollars. This is a projection, but I understand that HB 25 as it comes in and probably will be accepted, will reduce the originally estimated approximately 150 thousand dollars received from Probation collections to about 60 thousand. This gives us a surplus projected of 200 thousand, one hundred eighty-one dollars. I hope I have covered the essentials, but I will try to answer any questions.

Sen. KOROMILAS: I understand that there is a million dollars in HB 51 that would provide further funding of the foundation aid. Page 11, Section 20.

Sen. TOWNSEND: That is correct.

Sen. SPANOS: It was somewhat disconcerting to read the wording of Section 28 of the Conference Committee report on HB 51. That section amends SB 14 pertaining to aid to non-public schools by changing the lapsing date of SB 14 appropriation from June 30, 1972 to June 30, 1971.

It appears to me that because the school year does not end in most districts until mid June; and because most school districts do not close their books and their fiscal years until June 30; and because most school district books are not audited until late in July or early August, it would be impossible for the local districts to render an accounting to the State Dept. of Education in time for the Dept. to certify reimbursement prior to the lapsing of these funds on June 30.

However, I understand that it was not the intention of the Committee of Conference that these funds not be disbursed for services rendered during the school year 1970-71, but rather that the disbursement of funds be limited to actual expenses incurred or contracted for during the school year 1970 to 1971.

I would like to make it part of the record that following a conference between Comptroller John Flanders and members of the Senate Finance Committee, I have been assured that the State Dept. of Education, will in fact, be able to encumber money for payment of the local district's expenses without some of the more detailed information which would ordinarily have to wait for the closing of local fiscal year books; and that manifests from the State Dept. of Education will, in fact, be accepted on that basis so that manifests turned in during July for expenses incurred during the prior fiscal year will be paid.

I am sure Sen. Gilman, Chairman of the Finance Committee and a member of the Conference Committee agrees that this represents the legislative intent of this section of HB 51 as agreed by the Committee of Conference.

I should also like to point out that this aid to non-public schools, and which will assist our local communities, is at a level of 1.3 million dollars and we are committed to that level if so needed.

We shall review this whole matter next year with recommendations we hope from the Non-public School Commission, which I am delighted to say has been continued.

May I also say that I am most happy to see that there is 1 million dollars appropriated for School Foundation Aid.

Sen. TOWNSEND: Just to second the remarks of Sen. Spanos, and I assure you that it was not the intent of the Con-

ference Committee to in any way tie the hands of those who are administering this aid to non-public schools. It was the feeling though that the entire 1 million, 300 thousand will not be expended. We were looking for every dollar that we could find. For that reason, we thought we could put that lapsing clause in here and not hurt the non-public schools in any way. I can see that this might in some manner handicap that program. However, somebody is going to be back here in January so if it appears that this is going to hamstring in any way, it can be corrected, as you have pointed out. For these reasons, I would say let's not tamper with the Conference Committee report as it stands.

Committee of Conference report adopted.

#### Committee of Conference on SB 6

The committee of conference to which was referred SB 6 having considered the same report the same with the following recommendations: That the Senate recede from its position of nonconcurrency with the House amendment and concur in the amendment offered by the House. That the House and Senate each adopt the following amendment to the bill:

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Discretionary Licenses. Amend RSA 331-A (supp) by inserting after section 8-a the following new section: 331-A:9 Discretionary License. The commission is authorized and empowered on a finding by it that a person is in its opinion fully qualified and that it would carry out the purpose and intent of this chapter and that it would be in the public interest to waive examination requirements, to issue a broker or salesman license to an applicant who is so qualified.

12 Effective Date. This act shall take effect upon its passage.

James Koromilas  
Richard W. Leonard  
Conferees on the Part of the Senate  
Harold W. Watson  
Maurice L. Bouchard  
Richard Bodge  
Conferees on the Part of the House

Sen. CLAVEAU: The amendment in question was the amendment to allow the Commission to give a discretionary license. The reason for this was due to the fact that some times people let their license lapse. Sometimes people have had to wait 3 or 4 months to get this issued again. I move that the Senate adopt the report.

Adopted.

### HOUSE MESSAGE

#### Concurrence in Committee of Conference Reports

SB 6, relative to the real estate commission and making an appropriation therefor.

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of non academic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees, providing for a study of cost-of-living increases of state employees by the salary study committee.

HB 7, making the possession of a pound of marijuana a felony and relative to the sessions, clerk, entry fees, and reports of the Supreme Court.

### HOUSE REFUSES TO CONCUR WITH SENATE REQUEST TO DISCHARGE COMMITTEE OF CONFERENCE

SB 27, relative to the air pollution commission.

### ANNOUNCEMENT BY THE CHAIR

We are now awaiting action on 2 bills, SB 8 and HB 25, in the House and Senate. Then the Governor will be invited to attend the House and then the Senate to close the special session. This was the procedure that was followed in June or July. Under the usual arrangement, perhaps a skeleton Senate will remain in order to handle the enrolling this evening.

The Chair appointed Sen. Bradshaw to serve as acting President of the Senate for the remainder of the session.

Sen. BRADSHAW: I move that the Joint Rules be so far suspended as to allow consideration of Committee of Conference report not printed and handed out to each Senator for the same reason that has been done previously.

Adopted by unanimous vote.

#### COMMITTEE OF CONFERENCE REPORT

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

See House Journal of April 30, pages 323-324.

Sen. LEONARD: This bill left the Senate where it took out the 5% for support payment. The Committee of Conference amended this by making it a 10% charge for arrearage. The opinion was that this was much a more fair way and it would be a goal for the husband not to get in arrears.

Sen. Lamontagne moved adoption of reoprt. Adopted.

#### HOUSE MESSAGE

House Refusal to Concur in Committee  
of Conference report

SB 8, increasing the salary of the Strafford County attorney.

#### HOUSE MESSAGE

Concurrence in Committee of Conference Report

HB 25, to remove certain restrictions on money collected by the board of probation.

Sen. Gove moved that the Senate meet in Joint Convention with the House.

Sen. English moved that a Committee be appointed to escort the Governor to the Joint Convention.

The Chair appointed Sens. Porter and Provost.

#### HOUSE MESSAGE

The House has voted to meet with the Senate in Joint Convention for the purpose of the Governor's proroguemnt.

(Joint Convention) (See House Journal of April 30, page 345.)

## HOUSE MESSAGE

## Adoption of Committee of Conference

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal year ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

## ENROLLED BILLS

SB 3, relative to the governor's office staff, employment of a counsel.

SB 25, relative to the department of centralized data processing.

HB 7, to regulate the sale of hypodermic syringes, needles or like instruments, making the possession of a pound of marijuana a felony, and relative to the sessions, clerk, entry fees, and reports of the supreme court.

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of non-academic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees; providing for a study of cost-of-living increases of state employees by the salary study committee.

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

SB 31, relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

Paul E. Provost,  
for the Committee

Adopted.

## ANNOUNCEMENT BY THE CHAIR

The CHAIR would state that it is its intention that we will Recess until 11:30 at which time we will convene to accept the Enrolled Bills Committee report which by that time should be pretty close to being wrapped up. There will be no business other than acceptance of the Enrolled Bills Committee Report.

(Recess)

## ENROLLED BILLS

HB 39, providing for full disclosure in land sales.

SB 6, relative to the real estate commission and making an appropriation therefor.

HB 25, providing for a ten percent charge on collections made by the probation department on arrearage payments.

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making an appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

Paul E. Provost  
For the Committee

Accepted.

The Governor appeared and addressed the Senate as follows:

Mr. President, I have been informed that you have completed the business of the session. Therefore, now by the authority vested in me as Governor, I do hereby declare the Senate adjourned, subject to the call of the President.

Rev. William L. Shafer, Senate Chaplain, gave the benediction.

ALMIGHTY GOD, our Heavenly Father, we commend to Thee our labors of this day. If we have erred in our judgments or failed in our obligations — forgive us and judge us for the good we have been able to accomplish. We are grateful for Thy



inspiration in moments of indecision, for Thy loving and most merciful care, and for Thy immeasurable patience with our human frailties. Bless to our memory the joy of our fellowship, the challenges of leadership, the rewards of faith, and the successes of our stewardship. May we depart in peace, confident of the future, because we have served honorably and faithfully in the present. Watch over us while we are absent from one another, guide and protect us in our homeward journey. Amen.

Wilmont S. White  
Clerk

A true copy attest:

Wilmont S. White  
Clerk



INDEX  
OF  
SENATE JOURNAL



## B

**Belknap co.**

attorney, salary set by county convention .....	HB 22 am
commissioners, salary set by county convention .....	HB 22 am
register of deeds, salary set by county convention .....	HB 22 am
sheriff, salary set by county convention .....	HB 22 am
treasurer, salary set by county convention .....	HB 22 am

**Blind, aid to needy**

additional appropriation .....	HB 51
duties of division of welfare .....	HB 26

**Blind services, transferred to education dept. from health and welfare dept.**

HB 26

**Blue Cross and Blue Shield building leased for state office space .....**

SB 24 am

**Bonds**

Kearsarge regional school district, road construction .....	SB 29
municipal, water pollution control, state guarantee increased .....	HB 8
school districts, state guarantee .....	SB 14
state	
data processing building .....	SB 24
highway construction on Central N. H. turnpike .....	HB 13
medical facilities at industrial school .....	HB 28
prison heating system conversion .....	HB 51 am
state park system .....	SB 23
water system expansion, University of N. H. ....	SB 16

**towns or districts**

hearing requirements repealed .....	HB 12
voting by printed ballot repealed .....	HB 12

**Budget director, governor's office, appropriation .....**

SB 2 am

**Business profits tax .....**

HB 1

amendments .....	HB 57
------------------	-------

## C

**Cannon mountain project, additional appropriation .....**

SB 23

**Carroll co.**

attorney, salary set by county convention .....	HB 22
treasurer, salary set by county convention .....	HB 22

**Central N. H. turnpike, additional lanes between Hooksett and Concord .....**

HB 13

**Charitable organizations exempt from inheritance tax .....**

HB 1

**Chi'd benefit services**

appropriation .....	SB 14 am
to lapse June 30, 1971 .....	HB 51 am

**Children**

dependent, aid to families	
additional appropriation .....	HB 51
certain appropriation may be transferred .....	HB 51
handicapped, additional appropriation .....	HB 51

**Cities, revenue returned from state to replace repealed taxes .....**

HB 1

**Collective bargaining, University of N. H., commission membership ....**

HB 33

**College and University Council, N. H., supplies purchased by purchase and prop-**

erty director .....	HB 16
---------------------	-------

**Committees, standing .....**

15

**Community antenna television system, a public utility .....**

SB 38

**Community mental health services, grant .....**

HB 51 am

**Commuters income tax .....**

HB 41

amendments .....	HB 57
------------------	-------

**Comparative negligence, burden of proof .....**

HB 18

**Competition, unfair. See: Unfair trade practices****Conference committees, president authorized to discharge and appoint new**

committees .....	325-326
------------------	---------

See Numerical Index following for action on bills

Connecticut lakes study, additional appropriation .....	SB 23
<b>Constitutional amendment proposals</b>	
annual sessions of general court .....	CACR 1
general court	
compensation, amending CACR 1 (1969) .....	CACR 5
taxing powers .....	CACR 4
to elect governor in a tie vote .....	CACR 2 am
governor, 4 year term .....	CACR 2
line item veto on appropriation bills .....	CACR 3
Constitutional amendments, voters' guide .....	HCR 7
Consumer protection division, attorney general's office .....	HB 6 am
	HB 39 am
Conway village fire district, bond issue vote legalized .....	HB 54 am
Coordinator of federal funds, additional appropriation .....	HB 51 am
Corporations, dissolution, prohibited until business profits taxes paid ....	HB 1
<b>Cost-of-living</b>	
adjustment study, state officials and employees .....	HB 2 am
adjustments, state employees, grades 1-11 .....	HB 2 am
Councilor districts, redistricting, interim study commission .....	HJR 2
Counties, highway safety programs .....	HB 22 am
<b>County attorneys, salaries</b>	
Belknap, set by county convention .....	HB 22 am
Carroll, set by county convention .....	HB 22
Strafford .....	SB 8
set by county convention .....	SB 8 am
<b>County commissioners</b>	
election by districts, Rockingham .....	SB 20
salaries	
Belknap, set by county convention .....	HB 22 am
Strafford, set by county convention .....	SB 8 am
<b>County treasurers, salaries</b>	
Belknap, set by county convention .....	HB 22 am
Carroll, set by county convention .....	HB 22
Strafford, set by county convention .....	SB 8 am

## D

Daniel Webster Junior College, charter repealed .....	SB 32 am
Danville, town of, meeting in 1970 legalized .....	HB 54
<b>Data processing</b>	
and system management coordinator, safety dept. ....	SB 36 am
building design appropriation .....	SB 24 am
personnel, appropriation .....	SB 24
powers and authority expanded .....	SB 25
David Wayne Hildreth Dam named, Berry Brook (Warren) .....	HJR 4
Demarais, Teresa B., retirement credits .....	SB 12
<b>Deputies to governor</b>	
four .....	SB 1
two .....	SB 1 am
Derry, cooperative school district no. 1, foundation aid .....	SB 32
Disabled, aid, additional appropriation .....	HB 51
Dredging. See: Excavating	
<b>Drugs. See also: Marijuana</b>	
and alcohol abuse program, appropriations .....	HB 30
falsifying prescriptions, repealed .....	HB 7 am
<b>Dual enrollment</b>	
appropriation to lapse June 30, 1971 .....	HB 51 am
grants .....	SB 14

Eastern States Exposition, state building, operation and management transferred to dept. of agriculture .....	SB 26
Easton school district, meeting in 1970 legalized .....	SB 32 am
Easton, town of, meeting in 1970 legalized .....	HB 49
<b>Education</b>	
child benefit services .....	SB 14 am
appropriation to lapse June 30, 1971 .....	HB 51 am
department	
additional appropriation .....	HB 51
appropriation for alcohol and drug abuse program .....	HB 30
blind services transferred to .....	HB 26
dual enrollment, appropriation to lapse June 30, 1971 .....	HB 51 am
higher	
and health facilities authority .....	HB 34
building corporation, name and authority changed to include health facilities .....	HB 34
New England board, appropriation increased .....	HB 10
	HB 51 am
interstate compact .....	SB 7
special, additional appropriation .....	HB 51
state aid	
additional appropriation .....	SB 14
	HB 51
dual enrollment grants .....	SB 14
state board, safety and driver education appropriation increased ..	SB 36 am
transportation costs .....	SB 14
vocational, additional appropriation .....	HB 51
Educational institutions exempt from inheritance tax .....	HB 1
<b>Elderly, See: Aged</b>	
Excavating, waters and wetlands, jurisdiction of water resources board ..	HB 15
Explosives, purchase, storage, and transport license .....	SB 31 am

Fire control board, powers limited, membership increased .....	HB 43
Fire marshal	
nominated by fire control board .....	HB 43 am
powers increased .....	HB 43
Firemen's retirement system, beneficiary of retirement age member who dies in service .....	HB 50
Fiscal affairs deputy to governor .....	SB 1
Fish and game dept., transfer of fees from snowmobile section .....	SB 36 am
Flume disposal system, appropriation .....	SB 23 am
	HB 51 am
Forest products, tax repealed .....	HB 57
Foss, Helen M., real estate broker's license issued to .....	SB 6 am
Foundation aid. See: Education, state aid	
Franconia school district, meeting in 1970 legalized .....	SB 32 am
Frost Homestead, appropriation .....	SB 23
Fur-bearing animals, tax repealed .....	HB 1

**General court**  
annual sessions ..... CACR 1  
fiscal committee, approval of salary adjustments for unclassified positions ..... HB 2 am

**See Numerical Index following for action on bills**



**General court — continued**

legislative committee, abolishment of vacant classified positions ..	HB 38 am
members	
compensation, amending CACR 1 (1969) .....	CACR 5
race track work permitted on nonlegislative days .....	HB 24
taxing powers .....	CACR 4
<b>Geriatric facility, Glendiff .....</b>	<b>HB 5</b>
<b>Gilmanton, town of, meeting in 1970 legalized .....</b>	<b>HB 48</b>
<b>Glendiff sanatorium. See: Sanatorium, state</b>	
<b>Goshen, town of, meeting in 1970 legalized .....</b>	<b>HB 44</b>
<b>Governor</b>	
adjournment of senate .....	382
deputies	
four .....	SB 1
two .....	SB 1 am
election, tie vote decided by ballot of general court .....	CACR 2
4 year term .....	CACR 2
legal counsel, appropriation .....	SB 3 am
office, appropriation increased .....	SB 3 am
	HB 51 am
staff and legal counsel .....	SB 3
veto, line item .....	CACR 3

**H**

<b>Hampton, town of, meeting in 1969 legalized .....</b>	<b>HB 46</b>
<b>Handicapped children, additional appropriation .....</b>	<b>HB 51 am</b>
<b>Hartigan, Paul, retirement credits .....</b>	<b>SB 12 am</b>
<b>Health and welfare dept., additional appropriation .....</b>	<b>HB 51</b>
<b>Hearings, joint, remarks .....</b>	<b>29-30</b>
<b>Higher education. See: Education, higher</b>	
<b>Highway safety programs, counties .....</b>	<b>HB 22 am</b>
<b>Highways</b>	
class IV and V, allocation to towns from motor vehicle road toll .....	SB 17
classification, Sutton .....	SB 29 am
construction loans by industrial development authority .....	HB 31
route 16, accelerated improvement .....	HCR 5
toll. See: Central N. H. turnpike	
<b>Hildreth, David Wayne, Dam named, Berry Brook (Warren) .....</b>	<b>HJR 4</b>
<b>Historical commission chairman, advisor to Pierce Brigade .....</b>	<b>SB 9 am</b>
<b>Home for the elderly, N. H. ....</b>	<b>HB 5</b>
<b>Horses, stud, tax repealed .....</b>	<b>HB 1</b>
<b>Hospital, N. H.</b>	
additional appropriation .....	HB 51
aged patients, transfer .....	HB 5
<b>Hospitals, higher educational building corporation to include .....</b>	<b>HB 34</b>
<b>House of Representatives informed that Senate has assembled for special session</b>	<b>4</b>
<b>Hudson, town of, meeting in 1970 legalized .....</b>	<b>HB 47</b>
<b>Human resources deputy to governor .....</b>	<b>SB 1</b>
<b>Hypodermic instruments</b>	
sale and possession regulated .....	HB 7
sale only in drug stores, repealed .....	HB 7 am

**I**

<b>Income tax, nonresidents .....</b>	<b>HB 41</b>
<b>Industrial areas, construction loans for public roads .....</b>	<b>HB 31</b>
<b>Industrial development authority</b>	
bond limit increased .....	HB 31
construction loans for certain roads .....	HB 31
<b>Industrial school, medical facilities .....</b>	<b>HB 28</b>

**Inheritance tax**

- exemptions
  - educational, religious, and charitable organizations ..... HB 1
  - lineal ascendants and lineal descendants ..... HB 1 am
  - parents and lineal descendants ..... SB 4
  - refunds, appropriation ..... HB 51 am

**Insurance**

- advisory committee ..... HB 42 am
- brokers, license term ..... HB 42 am
- claims adjusters, license renewals ..... HB 42
- companies, minority interest, acquisition of ..... HB 42
- dept., additional personnel ..... HB 42
- guaranty association, N. H. .... HB 42
- liability, motor vehicles. See: Motor vehicles, liability insurance
- life, group, spouse and dependents may be included ..... HB 42
- premium taxes ..... HB 42

**Interim commissions and committees**

- cost-of-living adjustment study, state officials and employees ..... HB 2 am
- nonpublic school study ..... SB 14 am
- office space study committee ..... SB 24 am
- redistricting councilor districts ..... HJR 2
- state personnel ..... HB 38 am
- territorial water pollution ..... SJR 1

- Interstate compacts, education ..... SB 7
- Iwo Jima, twenty-fifth anniversary, remarks ..... 24-25

**J**

- Jackasses, tax repealed ..... HB 1

**K**

**Kearsarge regional school district**

- road construction authorized ..... SB 29
- road construction by state and town ..... SB 29 am

- Keene state college, nonacademic employees, salary increase ..... HB 2 am

**L**

- Labor organizations, University of N. H. employees ..... HB 33

- Lafayette regional school district legalized ..... SB 32 am

- Land sales, full disclosure ..... HB 39

- appeals to superior court ..... HB 39 am
- appropriation ..... HB 51 am

- Langlois, Alfred and Marie-Anne, marriage legalized ..... SB 15

**Laws. See: Statutes**

**Legacy tax. See: Inheritance tax**

**Legal counsel to governor**

- appropriation ..... SB 3 am
- may be appointed ..... SB 3

**Legislators. See: General court, members**

**Licenses**

- alcoholic beverages. See: Alcoholic beverages
- explosives, purchase, storage, and transport ..... SB 31 am
- insurance claims adjusters ..... HB 42
- real estate brokers and salesmen ..... SB 6
- discretionary ..... SB 6 am

**See Numerical Index following for action on bills**

**Liquor commission**

advisory to state liquor commission .....	SB 33
reimbursement for sweepstakes tickets reduced .....	HB 51 am
Litchfield, town of, meetings in 1965, 1966, 1967, 1968, 1969, 1970 legalized .....	HB 47 am

**M**

Machinery tax, repealed .....	HB 1
Management-employee relations, University of N. H., statute clarified ...	HB 33
Manchester, city of, employees cumulative sick leave, determined by mayor and aldermen .....	HB 53 am
Manchester district court, justices and clerks, salaries .....	SB 34
Manchester school district, employees cumulative sick leave, determined by school committee .....	HB 53 am
Marijuana, possession of 1 pound, felony .....	HB 7
Maternal, child health, and crippled children's services, rehabilitation, additional appropriation .....	HB 51
Medical facilities, industrial school .....	HB 28
Medical referees, fees increased .....	SB 37
Mental health div., additional appropriation .....	HB 51
Mental retardation, community development centers, grant .....	HB 51 am
Merit rating system. See: State employees	
Mills, portable, tax repealed .....	HB 1
Motor vehicle fuel pumps and tanks, tax repealed .....	HB 1
Motor vehicle road toll	
allocation to class IV and V highways .....	SB 17
increased (8c) .....	SB 17
Motor vehicles	
accidents, remarks by Sen. Jacobson .....	13-14
certificate of title issued to surviving spouse .....	SB 22 am
division, appropriation increased .....	SB 36 am
director, assistant .....	SB 36 am
liability insurance	
assigned risks .....	HB 42
uninsured motorist coverage .....	HB 42
number plates	
initial, appropriation increased .....	SB 36 am
initial, not limited to passenger cars .....	SB 36 am
multi-year permitted .....	SB 36
registration	
fees, exemption, disabled veterans .....	HB 58
permits, proof of prior ownership .....	SB 22
snow-traveling. See: Snowmobile	
Mount Washington	
commission, appropriation .....	SB 23 am
summit building, appropriation .....	SB 23 am
Municipal bonds. See also: Bonds	
water pollution control, state guarantee increased .....	HB 8

**N**

Nansen Ski Club, remarks by Sen. Lamontagne .....	322-323
Nashua, city of	
board of registrars .....	HB 32
centralized voter registration .....	HB 32
Natural resources deputy to governor .....	SB 1
Neat stock tax, repealed .....	HB 1
Negligence, comparative, burden of proof .....	HB 18
New England Aeronautical Institute, degree granting powers .....	SB 32 am
New England board of higher education appropriation increased .....	HB 10
	HB 51 am

- New England river basins commission, additional appropriation ..... HB 51  
 N. H. College and University Council, supplies purchased by director of purchase  
   and property ..... HB 16  
 N. H. Reports, distribution ..... SB 34 am  
 N. H., state agencies, names beginning with. See: Distinctive word in name, e.g.,  
   *Education dept.; Hospital, N. H.*  
 Nonpublic schools. See: Schools, nonpublic  
 Nutfield Heights, Inc., housing for elderly, tax exempt ..... HB 55

## O

- Obscenity, definition ..... HB 56  
 Office space study committee ..... SB 24 am  
 Old age and survivors insurance, additional appropriation ..... HB 51 am  
 Old age assistance, additional appropriation ..... HB 51  
 Ossipee lake park project, additional appropriation ..... SB 23

## P

- Pari-mutuel pools, commissions and taxes increased ..... HB 1  
 Parks  
   division, Flume sewage disposal system, appropriation ..... HB 51 am  
   state system, planning, additional appropriation ..... SB 23  
 Pawtuckaway reimbursement fund, lapsed into general fund ..... SB 23 am  
 Personnel  
   commission  
     age discrimination prohibited ..... HB 20  
     merit rating system, appropriation ..... HB 38 am  
     dept., evaluation and performance audit, interim study commission HB 38 am  
     system. See: State employees  
 Phillips, Marion L., res on death ..... 15  
 Physicians, examination and educational requirements ..... SB 5  
 Picketing of state house, remarks by Sen. Gilman ..... 13  
 Pierce Brigade  
   advised by historical commission chairman ..... SB 9 am  
   appropriation ..... SB 9  
 Planning and research office  
   funds transferred to office of state planning ..... HB 57 am  
   transferred to governor's office as office of state planning ..... SB 19  
 Planning boards. See: Subdivided land  
 Planning office, equipment, appropriation ..... HB 51 am  
 Plymouth state college, nonacademic employees, salary increase ..... HB 2 am  
 Poll tax  
   age limit reduced to 68 ..... SB 10  
   increased from \$2 to \$3 ..... SB 10  
 Pollution. See: Air pollution; Water pollution; Water supply and pollution  
   control commission  
 Portsmouth, tax collection dates ..... HB 29  
 Post Office building, old (Concord), renovation and repairs, funds restricted  
   pending further legislation ..... SB 24 am  
 Poultry tax, repealed ..... HB 1  
 President authorized to discharge conference committees ..... 325-326  
 President's ruling  
   an appropriation bill (HB 1) not reported favorably (i.e., divided report) need  
   not be sent to finance committee ..... 187, remarks 190-191  
 Prisons. See: State prison  
 Probation, board  
   5% deduction from support payments repealed ..... HB 25  
   5% service charge on support payments collected from *payer* .... HB 25 am  
   10% service charge on arrearages ..... HB 25 am  
   See Numerical Index following for action on bills

Professional associations, attorneys, excepted from corporate practice restrictions .....	SB 13
Property tax. See: Taxes	
Public health div.	
additional appropriation .....	HB 51
appropriation for alcohol and drug abuse program .....	HB 30
Public utilities, community antenna television system included .....	SB 38
Purchase and property director, may purchase supplies for N.H. College and University Council .....	HB 16

## R

Rabbits, domestic, tax repealed .....	HB 1
Race track, legislators permitted to work on nonlegislative days .....	HB 24
Racing, pari-mutuel pools, commissions and taxes increased .....	HB 1
Radiation surveillance, additional appropriation .....	HB 51
Real estate brokers and salesmen	
discretionary licenses .....	SB 6 am
examinations and license fees .....	SB 6
Real estate commission	
appropriation increased .....	HB 51 am
compensation and qualifications .....	SB 6
Registers of deeds, salaries	
Belknap, set by county convention .....	HB 22 am
Strafford, set by county convention .....	SB 8 am
Rehabilitation centers (public health div.), additional appropriation ....	HB 51
Religious organizations exempt from inheritance tax .....	HB 1
Resources and economic development dept.	
additional appropriation .....	HB 51
authority over Eastern States Exposition state building transferred to dept. of agriculture .....	SB 26
transfer of personnel .....	HB 51 am
Revised Statutes Annotated	
distribution .....	SB 34 am
recompilation and distribution of volume 1 .....	HB 51 am
supplement for 1971 session, appropriation increased .....	HB 51 am
Roads. See Highways	
Robert Frost Homestead, appropriation .....	SB 23
Rockingham co., commissioners, election by districts, effective date .....	SB 20
Roll calls	
opening of special session .....	1-2
SB 1, creating four deputies to the governor and making an appropriation therefor. Question, substitute "ought to pass" for "inexpedient". Yeas, 13; Nays, 10 .....	79
SB 34, re the salaries of the justices and clerks of Manchester district court and re distribution of reports of the supreme court and Revised Statutes Annotated. Question, order to third reading. Yeas, 9; Nays, 8 .....	155
HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.	
Question, indefinitely postpone. Yeas, 9; Nays, 14 .....	184-185
Question, adoption of amendment. Yeas, 13; Nays, 10 .....	186
Question, reconsideration of adoption of amendment. Yeas, 14; Nays, 9..	189
HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. Question, adoption of amendment. Yeas, 10; Nays, 10 .....	279-280
CACR 4, granting the legislature greater flexibility in raising public revenue through the power to tax, providing that property other than land may be classified by kind, use or amount and such classes taxed differently. Question, adopt report "ought to pass". Yeas, 16; Nays, 8 .....	22

**Rules**

- committees, actions legalized ..... HCR 2
- Joint, 1969 session continued as amended ..... HCR 1
- Senate
  - 1969 session continued ..... 2-4
  - rule 8 (order of precedence) 57, rcmt 57-59
- Rulings of the President. See: President's ruling
- Rye Beach village district, meetings in 1937, 1957, and 1963 legalized .... HB 45
- Rye harbor project, additional appropriation ..... SB 23

**S**

- Safety and driver education, state board of education, appropriation increased  
SB 36 am
- Safety dept.
  - appropriation increased ..... SB 36 am
  - coordinator of data processing and system management ..... SB 36 am
- Safety services div., appropriation ..... SB 36 am
- Sanatorium, State, operation as geriatric facility ..... HB 5
- School building authority, enlarged duties ..... SB 14
- School districts
  - bonds, state guarantee ..... SB 14
  - state aid. See: Education, state aid
- Schools
  - child benefit services ..... SB 14
  - nonpublic
    - grants ..... SB 14
    - interim study commission ..... SB 14 am
    - office of coordination ..... SB 14
- Search warrants, time of return, statute clarified ..... SB 35
- Securities, sale, certificate, form and cost ..... HB 42 am
- Senate
  - adjournment ..... 382
  - clerk and assistant clerk, compensation ..... SCR 1
  - committees. See: Committees, standing
  - informed that House has assembled ..... 4
- Shelburne basin project, additional appropriation ..... SB 23
- Sheriffs
  - deputies, Strafford, annual reports ..... SB 8 am
  - expenses, Strafford, approved by county commissioners ..... SB 8 am
  - salaries
    - Belknap, set by county convention ..... HB 22 am
    - Strafford, set by county convention ..... SB 8 am
- Snowmobile
  - fees, transfer to fish and game dept. .... SB 36 am
  - section, appropriation increased ..... SB 36 am
- Southwestern state park, additional appropriation ..... SB 23
- State agencies, depts., and institutions. See also: First distinctive word, as  
*Education dept.; Sanatorium, state*
  - positions suspended ..... HB 38
- State employees
  - abolishment of vacant classified positions, legislative committee .. HB 38 am
  - age discrimination prohibited ..... HB 20
  - certain positions suspended ..... HB 38
  - cost-of-living
    - adjustment study ..... HB 2 am
    - adjustments, grades 1-11 ..... HB 2 am
  - in-service training, interim study commission ..... HB 38 am
  - merit rating system ..... HB 38 am

See Numerical Index following for action on bills

**State employees — continued**

salaries	
adjustment fund .....	HB 2 am
increase retroactive, appropriation increased .....	HB 2
service rewards, interim study commission .....	HB 38 am
State House, picketing, remarks by Sen. Gilman .....	13
State officials	
cost-of-living adjustment study .....	HB 2 am
salaries, adjustment approved by fiscal committee of general court ..	HB 2 am
State planning, office of	
equipment appropriation .....	HB 51 am
funds transferred from office of planning and research .....	HB 57 am
in governor's office .....	SB 19
State police, appropriation for alcohol and drug abuse program .....	HB 30
State prison, heating system conversion	
additional appropriation .....	HJR 1
bonds authorized .....	HB 51 am
State revenue sharing with cities and towns .....	HB 1
State treasurer. See: Treasurer, state	
Statutes, RSA	
distribution .....	SB 34 am
recompilation and distribution of volume 1 .....	HB 51 am
supplement for 1971 session, appropriation increased .....	HB 51 am
Stock in trade tax, repealed .....	HB 1
Strafford co.	
attorney, salary .....	SB 8
officers, salaries, set by county convention .....	SB 8 am
Subdivided land	
full disclosure .....	HB 39
appeals to superior court .....	HB 39 am
appropriation .....	HB 51 am
information record kept by state planning office .....	SB 19 am
sale before approval	
not void .....	HB 14
penalty increased .....	HB 14 am
Sugar Hill school district, meeting in 1970 legalized .....	SB 32 am
Sunapee ski lift, additional appropriation .....	SB 23
Support payments	
5% deduction repealed .....	HB 25
5% service charge collected from <i>payer</i> .....	HB 25 am
10% service charge on arrearages .....	HB 25 am
Supreme court	
fees, paid into general fund rather than compensation of clerk and/or reporter	
HB 7 am	
reports, distribution .....	SB 34 am
sessions and clerk, state library building omitted from wording ....	HB 7 am
Sutton, highway, reclassified .....	SB 29 am
Sweepstakes tickets, liquor commission, reimbursement reduced ....	HB 51 am

## T

**Tax commission**

additional appropriation .....	HJR 3
oath taking on business profits tax limited to hearings .....	HB 57
oath taking on commuters income tax limited to hearings .....	HB 57
Tax forms examiner, additional position .....	HJR 3
Taxes	
business profits .....	HB 1
amendments .....	HB 57
commuters income .....	HB 41
amendments .....	HB 57
domestic rabbits, repealed .....	HB 1



**Taxes — continued**

exemptions	
Nutfield Heights, Inc. ....	HB 55
persons over 70, statute clarified .....	HB 35
forest products, repealed .....	HB 57
fur-bearing animals, repealed .....	HB 1
government owned property .....	HB 17
income, nonresidents .....	HB 41
inheritance	
exemptions, educational, religious and charitable organizations .....	HB 1
exemptions, lineal ascendants and lineal descendants .....	HB 1 am
exemptions, parents and lineal descendants .....	SB 4
refunds, appropriation .....	HB 51 am
insurance premiums .....	HB 42
interest on late payment increased .....	SB 30
legacy. See: Taxes, inheritance	
machinery, repealed .....	HB 1
motor fuel. See: Motor vehicle road toll	
motor vehicle fuel pumps and tanks, repealed .....	HB 1
neat stock, repealed .....	HB 1
pari-mutuel, increased .....	HB 1
poll	
age limit reduced to 68 .....	SB 10
increased from \$2 to \$3 .....	SB 10
portable mills, repealed .....	HB 1
Portsmouth, collection dates .....	HB 29
poultry, repealed .....	HB 1
powers of general court .....	CACR 4
redemptive and subsequent, interest increased .....	SB 30 am
sale for .....	HB 1
subsequent tax payment, interest increased .....	SB 30 am
stock in trade, repealed .....	HB 1
studhorses and jackasses, repealed .....	HB 1
tobacco	
additional appropriation .....	HB 51 am
increased .....	HB 1
stamps, decrease of discount repealed .....	HB 57
stamps, discount decreased .....	HB 1
Television system, community antenna, a public utility .....	SB 38
Tepco corporation, remarks about .....	81-85
<b>Tobacco tax</b>	
additional appropriation .....	HB 51 am
rate increased .....	HB 1
stamps	
decrease of discount repealed .....	HB 57
discount decreased .....	HB 1
<b>Towns</b>	
bonds. See also: Bonds	
hearing requirements repealed .....	HB 12
voting by printed ballot repealed .....	HB 12
revenue returned from state to replace repealed taxes .....	HB 1
Treasurer, state, facsimile signature, state guarantee of municipal bonds .....	SB 18
Tuberculosis patients, transferred from state sanatorium .....	HB 5
Turnpikes. See: Central N.H. turnpike	
Twin Mountain, airport, construction of taxiway, appropriation .....	SB 31 am

## U

Unfair trade practices prohibited .....	HB 6
University of N.H.	
Chicago three speakers .....	HCR 8
See Numerical Index following for action on bills	

**University of N. H. — continued**

management-employee relations, statute clarified .....	HB 33
nonacademic employees	
management-employee relations commission .....	HB 33
salary increase .....	HB 2 am
out-of-state tuition .....	HB 21
water system expansion .....	SB 16

**V**

Vacation travel center, additional appropriation .....	HB 51
Veterans, disabled, motor vehicles, registration fee exemption .....	HB 58
Veto, line item .....	CACR 3
Vocational education, additional appropriation .....	HB 51
Voter's guide .....	HCR 7

**W**

Water pollution. See also: Water supply and pollution control commission	
state guarantee of municipal bonds increased .....	HB 8
territorial waters, interim commission .....	SJR 1
Water resources board	
appropriation, availability extended .....	HB 51 am
jurisdiction over waters and wetlands .....	HB 15
Water supply and pollution control commission	
additional appropriation .....	HB 51
aquatic nuisance control .....	HB 23
HB 51 am	
authority clarified .....	SB 21
Waters	
excavating and filling .....	HB 15
public, wharves or piers, construction restrictions .....	HB 15 am
Welfare div., additional appropriation .....	HB 51
Welfare escrow account transferred to general fund .....	HB 51 am
Wetlands, excavating and filling .....	HB 15
Wharves or piers, construction restrictions on public waters .....	HB 15 am

## SENATE JOURNAL NUMERICAL INDEX

This index, arranged by bill and resolution, gives page numbers for all action in the Senate on each numbered bill and resolution. They are listed in the following order:

Senate Bills  
Senate Joint Resolutions  
House Bills  
House Joint Resolutions  
Constitutional Amendment Concurrent Resolutions  
Senate Concurrent Resolutions  
House Concurrent Resolutions

To find a bill by its subject, see the Subject Index immediately preceding this Numerical Index.

All matters not contained in bills or resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index.

<b>adop</b>	adopted
<b>am</b>	amended, amendment
<b>com</b>	committee
<b>conc H am</b>	Senate concurred in House amendment
<b>conf</b>	referred to conference committee
<b>enr</b>	enrolled
<b>Finance</b>	referred to Finance committee
<b>H conc</b>	House concurred
<b>intro</b>	introduced
<b>IP</b>	indefinitely postponed
<b>JC</b>	referred to judicial council
<b>jt</b>	joint
<b>K</b>	killed
<b>LSC</b>	referred to legislative study committee
<b>nonconc</b>	nonconcurred
<b>psd</b>	passed
<b>RC</b>	roll call
<b>re</b>	relative to
<b>recon</b>	reconsideration
<b>rej</b>	rejected
<b>rep</b>	report
<b>req</b>	requested
<b>SO</b>	special order

### SENATE BILLS

**SB 1** Creating four deputies to the governor and making an appropriation therefor. (Townsend, Bradshaw)

New title: Creating two deputies to the governor and making an appropriation therefor.

5, am (RC) & Finance 75-81 (Died in committee)

**SB 2** Creating the office of director of the budget. (Gilman)

New title: Creating the office of director of the budget and making an appropriation therefor.

5, am 46-47, psd 59, enr 193, H conc 194 (Chapter 6)

See also Subject Index preceding this index

- SB 3** Re the governor's staff and employment of a counsel. (Koromilas)  
 New title: Re the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.  
 5, am & Finance 36-37, am 47-49, psd 59, nonconc H am, conf 195, 262, rep adop 369-371, enr 381 (Chapter 46)
- SB 4** Changing the exemptions allowed from the legacy and succession tax, (Armstrong)  
 5 (Died in committee)
- SB 5** Re examination and educational requirements of physicians. (English)  
 5, am 39-40, psd 41, H conc, enr 73 (Chapter 3)
- SB 6** Re the real estate commission and making an appropriation therefor. (Claveau)  
 5, am 112-114, psd 156, nonconc H am, conf 317-318, 327, rep adop 378-379, enr 382 (Chapter 49)
- SB 7** Ratifying the compact for education and making an appropriation therefor. (Bradshaw)  
 5, Finance 42-43, psd 150, 158, H conc 327, enr 337 (Chapter 25)
- SB 8** Increasing the salary of the Strafford county attorney. (Koromilas)  
 5, psd 61-62, 71, nonconc H am, conf 318, 327, new conf 368, H nonconc conf rep 380
- SB 9** Re the Pierce Brigade, Inc. (Chandler)  
 5, am & Finance 26-28, am 49-50, psd 59, enr 214, H conc 214 (Chapter 17)
- SB 10** Re reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars. (Leonard)  
 New title: Re reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.  
 5, psd 37-38, 41, nonconc H am, conf 165-166, 194, rep adop 346-347, enr 361 (Chapter 52)
- SB 11** Providing for special liquor licenses and beverage permits for nonprofit organizations. (Spanos)  
 5, am 63-65, psd, recon failed 71, conc H am 318, enr 337 (Chapter 26)
- SB 12** Re retirement credits for Teresa B. Demarais. (Foley)  
 New title: Re retirement credits for Teresa B. Demarais and Paul Hartigan.  
 5, am 73-75, psd 101, enr 193, H conc 194 (Chapter 63)
- SB 13** Re the practice of law by professional associations. (Leonard)  
 6, psd 22, 24, H conc 60, enr 61 (Chapter 2)
- SB 14** Permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above. (Jacobson, Spanos)  
 6, Finance 43-46, am 129-142, psd, recon failed 156, conc H am 316-317, enr am 332, 342, enr (Chapter 51) See note p. 407
- SB 15** Validating the marriage of Alfred and Marie-Anne Langlois. (Lamontagne)  
 intro & psd 6, 16, H conc 32-33, enr 35 (Chapter 62)
- SB 16** Re the expansion of the water system at the University of N.H. and making an appropriation therefor. (Koromilas)  
 7, psd 22-23, 24, enr 193, H conc 194 (Chapter 7)

- SB 17** Increasing the motor vehicle road toll to be used for town road maintenance. (Armstrong)  
7-9, com rep rej 102-111
- SB 18** Authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state. (Bradshaw)  
9, psd 65, 71, enr 193 (Chapter 8)
- SB 19** Transferring the office of planning and research to the office of the governor. (Bradshaw)  
9, am & Finance 97-99, am 142-143, psd, recon failed 156-157, am corrected 167-169, conc H am 318-319, enr am 332-335, 343, 362, enr 373 (Chapter 53)
- SB 20** Re the election of Rockingham county commissioners. (Tufts, Mason)  
9 (Died in committee)
- SB 21** To clarify the authority of the water supply and pollution control commission. (Bradshaw)  
9, psd 50, 59, conc H am 264-265, enr 337 (Chapter 27)
- SB 22** Re municipal permits for previously registered vehicles. (Lamontagne)  
New title: Re municipal permits for previously registered motor vehicles and re issuance of certain certificates of title.  
9, am 116-119, psd 156, conc H am 263, enr 337 (Chapter 28)
- SB 23** Increasing the appropriation for the southwestern state park, extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. (Bradshaw)  
New title: Increasing the appropriation for the southwestern state park; providing appropriations for the flume disposal system, purchase of land adjacent to the Robert Frost Homestead, and for the Mount Washington commission; extending the time for the expenditure of funds for certain park projects; and lapsing the balance remaining in the Pawtuckaway reimbursement fund.  
9, am & Finance 85-87, am 143-144, psd 158, nonconc H am, conf 317, 327, rep adop 344-346, enr 372 (Chapter 43)
- SB 24** Appropriating additional funds for a data processing building and providing for additional personnel for data processing. (Bradshaw)  
New title: Reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing.  
9, am & Finance 65-70, psd 150-151, 158, conc H am 319-320, enr 336 (Chapter 29)
- SB 25** Re the department of centralized data processing. (Bradshaw)  
9, am 99-100, psd 101, tabled 263-264, nonconc H am, conf 269-270, 311, 315, new conf 362-365, rep adop 374-375, enr 381 (Chapter 47)
- SB 26** Transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation. (Townsend)  
9, Finance 33, am 35, psd 41, enr 193, H conc 194 (Chapter 9)
- SB 27** Re the air pollution commission. (Koromilas)  
10, am 126-127, psd 156, nonconc H am, conf 320, 335, H nonconc conf rep, S req discharge 362, H nonconc discharge req 379 (K)
- SB 28** Re the budgetary footnote re the N.H. commission on the arts. (Foley)  
10 (Died in committee)
- SB 29** Re reconstruction of a town road in Sutton leading to the Kearsarge regional school. (Jacobson)  
10, com changed 28, am 120-123, psd 156, conc H am 320-321, enr 336 (Chapter 31)

See also Subject Index preceding this index

- SB 30** Re increasing the interest charged for delinquent tax payment. (Marcotte, Tufts)  
 New title: Re increasing the interest charged for delinquent, redemptive and subsequent tax payments.  
 10, am 123-126, psd 156, H conc 327, enr 336 (Chapter 30)
- SB 31** Re the purchase, sale and transportation of explosives and making an appropriation therefor. (Bradshaw)  
 New title: Re the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor, and for taxiway for Twin Mountain airport.  
 10, am 127-128, psd 156, am reprinted 163-164, nonconc H am, conf 320, 336, rep adop 365-367, enr 381 (Chapter 45)
- SB 32** Re the Cooperative School District No. 1 of the town of Derry. (Mason)  
 10, psd 40, 41, conc H am 194-195, enr 214 (Chapter 68)
- SB 33** Providing for a liquor advisory commission. (Ferdinando)  
 17, IP 81
- SB 34** Re the salaries of the justices and clerks of the Manchester district court. (Bourque)  
 New title: Re the salaries of the justices and clerks of the Manchester district court and re distribution of reports of the supreme court and Revised Statutes Annotated.  
 32, tabled 93-96, SO 100, am (RC) 151-155, psd, recon failed 158, enr 214, H conc 215 (Chapter 14)
- SB 35** Removing a conflict in the issuance of search warrants. (Koromilas)  
 32, psd 96, 101, JC 215
- SB 36** Authorizing the issuance of motor vehicle registration plates of whatever duration the director provides. (Armstrong)  
 New title: Authorizing the issuance of motor vehicle registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.  
 34, am & Finance 87-93, psd 144-149, 158, conc H am 320, enr 337 (Chapter 38)
- SB 37** Re fees for medical referees. (Bradshaw)  
 42, psd 116, 156, H conc 327, enr 336 (Chapter 32)
- SB 38** Providing for the regulation of community antenna television systems. (Lamontagne)  
 65, LSC 119-120

### SENATE JOINT RESOLUTION

- SJR 1** Establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the State of N.H. and recommending legislation to implement the same. (Gilman, Porter)  
 51, psd 62-63, 71, enr 214, H conc 214 (Chapter 60)

### HOUSE BILLS

- HB 1** Imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.  
 102, psd (3 RC's) 169-190, recon failed 192, enr 193, remarks 209-210, 325, am (by HB 57) 353-355 (Chapter 5)

- HB 2** Increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.  
 New title: Increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of nonacademic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees; providing for a study of cost-of-living increases of state employees by the salary study committee.  
 159, am & Finance 216-220, am 282-285, psd 314, H nonconc, conf 316, rep adop 368-369, 379, enr 381 (Chapter 44)
- HB 5** Transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital.  
 33, psd 50, 59, enr 73 (Chapter 4)
- HB 6** Providing for consumer protection and making an appropriation therefor.  
 159, am & Finance 220-225, am 281-282, psd 314, H conc 316, enr 336 (Chapter 19)
- HB 7** To regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony.  
 First new title: Making the possession of a pound of marijuana a felony and re the sessions, clerk, entry fees, and reports of the supreme court.  
 Second new title: To regulate the sale of hypodermic syringes, needles or like instruments, making the possession of a pound of marijuana a felony, and re the sessions, clerk, entry fees, and reports of the supreme court.  
 102, am 236-238, psd 312, H nonconc, conf 316, rep adop 371-372, 379, enr 381 (Chapter 48)
- HB 8** Increasing the amount authorized for state guarantee of municipal bonds for water pollution.  
 72, psd 206, 212, enr 213 (Chapter 13)
- HB 10** Increasing the appropriation for the New England board of higher education for the fiscal year ending June 30, 1971.  
 159 (Died in committee)
- HB 12** Repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities.  
 159, psd (RC) 276-280, 314, enr 336 (Chapter 18)
- HB 13** Re the Central N. H. turnpike, and making an appropriation therefor.  
 159, Finance 207-208, psd 211-212, enr 213 (Chapter 11)
- HB 14** Re the sale of subdivided land.  
 60, psd 238-242, 312, enr 337 (Chapter 21)
- HB 15** To define jurisdiction over dredge and fill operations in waters and wetlands located in this state.  
 72, SO 204-205, psd 265, 313, enr 336 (Chapter 22)
- HB 16** Authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council.  
 72, psd 266-267, 313, enr 336 (Chapter 33)
- HB 17** Clarifying tax exemptions on real estate and personal property owned by governmental bodies.  
 72, K 209
- HB 18** Re the burden of proof relating to comparative negligence.  
 26, am 247-248, psd 312, H conc 316, enr 336 (Chapter 35)
- HB 20** Prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age.  
 42, LSC 196

See also Subject Index preceding this index



- HB 21** Re out-of-state tuition charges at the University of N. H.  
72, SO 160-161, psd 166-167, 192, enr am 195-196, H conc 214, enr 315 (Chapter 15)
- HB 22** Re the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs.  
New title: Re salaries of Carroll county attorney, Carroll county treasurer, salaries of certain county officials of Belknap county and authorizing counties to establish highway safety programs.  
72, am & tabled 243-246, psd 260, 313, H conc 316, enr 361 (Chapter 39)
- HB 23** Re the control of algae and other aquatic nuisances.  
159 (Died in committee)
- HB 24** Allowing members of the general court to work at the race track on nonlegislative days.  
26, psd 30-31, recon failed 31, enr 32 (Chapter 1)
- HB 25** To remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent.  
New title: Providing for a ten percent charge on collections made by the probation department on arrearage payments.  
72, tabled 227-228, am 260-261, psd 313, H nonconc, conf 321, remarks 325, nonconc conf rep, new conf 338-339, 348, 368, 371, rep adop 380, enr 382 (Chapter 50)
- HB 26** Transferring the functions of the training, education, and vocational rehabilitation of the blind from the department of health and welfare to the department of education.  
159, am 225-227, psd 312, H conc 316, enr 336 (Chapter 34)
- HB 28** Providing for medical facilities at the state industrial school and making appropriation therefor.  
160, Finance 215, psd 280, 314, enr 336 (Chapter 36)
- HB 29** Re the dates for collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon.  
42, psd 197, 212, enr 213 (Chapter 64)
- HB 30** Making appropriations for the treatment and prevention of alcohol and drug abuse.  
159, Finance 215, am 280-281, psd 314, H nonconc, conf 321, rep adop 341, 343, enr 361 (Chapter 40)
- HB 31** Re the industrial development authority.  
73, psd 161-162, 163, enr 193 (Chapter 10)
- HB 32** Providing for a board of registrars for the city of Nashua.  
160, am 269, psd 313, H conc 316, enr 336 (Chapter 73)
- HB 33** Clarify the statute re management-employee relations at the University of N. H.  
42, am 234-235, psd 312, H nonconc, conf 326-327, rep adop 341, 343, enr 361 (Chapter 41)
- HB 34** To enlarge the authority of the N. H. Higher Educational Building Corporation.  
73, psd 162, 163, enr am 195, H conc 214, enr 315 (Chapter 16)
- HB 35** Clarifying the statute providing for exemptions to persons over seventy against their real estate tax.  
jt rules suspended 340, intro 343, psd 357-361, enr 373 (Chapter 54)
- HB 38** Abolishing certain classified positions and lapsing appropriations into the general fund; establishing a commission to study state personnel procedures and making an appropriation therefor; establishing a state personnel merit rating system and making an appropriation therefor; and establishing a

committee to recommend the abolishment of classified positions.  
159 (Died in committee)

**HB 39** Providing for full disclosure in land sales and making an appropriation therefor.

New title: Providing for full disclosure in land sales.

159, am 228-229, psd 230, H nonconc, conf 261, rep adop 373, 379, enr 382 (Chapter 55)

**HB 41** Imposing a tax on certain incomes and making an appropriation therefor.

159, psd 230-231, 312, enr am 331, 342, enr 348, am (by HB 57) 354-355 (Chapter 20)

**HB 42** Re the administration of the insurance laws.

102, SO 210-211, am 250-260, psd 313, H conc 316, enr 337 (Chapter 37)

**HB 43** Increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing membership of state board of fire control and making its functions advisory.

73, LSC 199-204

**HB 44** Legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen.

60, psd 197, 212, enr 213 (Chapter 65)

**HB 45** To legalize certain meetings of the Rye Beach Village District.

60, psd 232, 312, enr 337 (Chapter 69)

**HB 46** To legalize the 1969 town meeting in the town of Hampton.

New title: To legalize the 1970 town meeting in the town of Hampton.

60, psd 232, 312, conc H recall & am, 338, enr 361 (Chapter 74)

**HB 47** Legalizing the annual town meeting of March 10, 1970, in the town of Hudson.

New title: Legalizing the annual town meeting of March 10, 1970, in the town of Hudson and certain special and regular town meetings in the town of Litchfield.

60, am 232-234, psd 312, H conc 315, enr 337 (Chapter 70)

**HB 48** Legalizing the annual town meeting of the town of Gilmanton held March 10, 1970.

60, psd 197-198, 212, enr 213 (Chapter 66)

**HB 49** Legalizing the annual meeting held March 10, 1970, in the town of Easton.

60, psd 198, 212, enr 213 (Chapter 67)

**HB 50** Re the firemen's retirement system.

159, psd 206-207, 212, enr 213 (Chapter 12)

**HB 51** Making supplemental appropriations for the expense of certain departments of the state for fiscal years ending June 30, 1970 and June 30, 1971.

New title: Making supplemental appropriations for the expense of certain departments of the state for fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

160, am 286-311, psd 314, H nonconc, conf 322, remarks 335, conf rep adop 375-378, 381, enr 382 (Chapter 56)

**HB 53** Re sick leave for employees of the city of Manchester.

160, psd 266, 313, enr 337 (Chapter 71)

See also Subject Index preceding this index

**HB 54** Legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville.

New title: Legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote re bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.  
102, am 198-199, psd 212, H conc 214, enr 337 (Chapter 72)

**HB 55** Re tax exemption for Nutfield Heights, Inc., a community housing project for elderly persons.

160, psd 234, 312, enr 337 (Chapter 23)

**HB 56** Relative to the definition of obscenity.

intro & psd 270, 313, enr 337 (Chapter 24)

**HB 57** Making amendments to the business profits tax and the act imposing a tax on certain income.

323-324, am & psd 348-356, H conc 362, enr 381 (Chapter 57)

**HB 58** Providing for an exemption from motor vehicle registration fee for certain disabled veterans.

329-330, psd 342, enr 361 (Chapter 42)

### HOUSE JOINT RESOLUTIONS

**HJR 1** Appropriating funds to convert the heating system at the state prison to oil.

159 (Died in committee)

**HJR 2** Establishing a commission to recommend changes in the councilor districts.

33, am 267-269, psd 313, H conc 316, enr 337 (Chapter 61)

**HJR 3** Appropriating additional funds for the interest and dividends tax division of the state tax commission.

159, psd 205-206, 212, enr 213 (Chapter 59)

**HJR 4** Naming the David Wayne Hildreth Dam.

42, am 61, psd 70, H conc 102, enr 155 (Chapter 58)

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

**CACR 1** How often the legislature shall meet. Providing that: The legislature shall meet annually. (English)

10, psd 17-20, 24, recon failed 24, H conc, enr 73

**CACR 2** Establishing a four year term for governor. Providing that: The governor shall be elected every four years on the nonpresidential election years, and no person shall serve more than two terms consecutively. (Bradshaw, Spanos)

10, SO 38-39, am 51-57, psd, recon failed 59, conc H am 262-263, enr 336

**CACR 3** Line item veto. Providing that: Separate items in an appropriation bill may be vetoed or reduced by the governor. (Bradshaw)

10, K 115-116

**CACR 4** Granting the legislature greater flexibility in raising public revenue through the power to tax. Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently. (Spanos)

10-12, psd (RC) 20-22, recon failed 24, H nonconc 194

**CACR 5** Amendment of proposal relative to Article 15, Part Second of the Constitution.

73, am 271-276, psd 313, H nonconc, conf 328-329, rep adop 357, enr 372

## SENATE CONCURRENT RESOLUTION

**SCR 1** Be it resolved by the Senate, the House of Representatives concurring, that the clerks and assistant clerks of each House shall for the 1970 special session be paid the same daily compensation as they receive during a regular session. (Bradshaw)  
adop 12, H conc 40

## HOUSE CONCURRENT RESOLUTIONS

**HCR (1)** That the joint rules of the 1969 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in possession of all members, be adopted as the joint rules of the 1970 special session.  
adop 12, remarks 28-29

**HCR (2)** Legalizing the actions of the rules committees and the scheduling of hearings by committees.  
adop 12

**HCR 5** In favor of the accelerated improvement of Route 16.  
166, adop 207, 212

**HCR 7** Relating to voter's guide.  
327-328 (Died in committee)

**HCR 8** Re speakers at the University.  
343 (Died in committee)

## Note

**SB 14** **New title:** Permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.













JOURNAL  
OF THE  
HOUSE

SPECIAL SESSION OF 1970



*Wednesday, 25Mar70*

## COMMUNICATION

To: Members of the General Court

Pursuant to the New Hampshire Constitution, Part 2, Article 50, the Governor and Council, on a motion duly seconded, voted to call a Special Session of the Legislature at 11:00 A.M. on Wednesday, March 25, 1970, for the purpose of considering the recommendations of the Citizens Task Force and such other business as may properly come before the General Court.

Respectfully,

Robert L. Stark  
Secretary of State

Rev. W. L. Shafer, House Chaplain, offered prayer.

ETERNAL GOD — whose name is love and whose presence is joy — enable us to turn aside from the restless world for a few moments to seek the inner peace of your promise. Teach us to despise evil, to love righteousness, to do good as we have opportunity. In our quest for higher ideals, nobler visions, and a truer sense of justice; deliver us from all ignorance, all apathy, and empower us with all truth. As we accept the many responsibilities of this day and this “special session”, endow the Members of this House with wisdom and courage, ever mindful of the common good of those we represent. So guide and direct us in all that we do, that our work may reflect our best response to the vital issues that confront and challenge us. Amen.

Rep. Hayes led the Pledge of Allegiance.

## COMMUNICATIONS

Nashua, N. H., March 15, 1970

Dear Mr. Speaker:

Due to increased pressures at my work and at home I hereby resign on this date from the New Hampshire General Court.

Thank you for your courtesies.

Roland H. LaPlante,  
70 Chandler St.  
Nashua  
Hillsborough Dist. 16

March 23, 1970

The Honorable J. Milton Street  
Clerk of the House  
Sharon, New Hampshire

Dear Mr. Street,

This is to inform you that I have sworn in the following Representatives:

William P. Bittenbender of Deering  
J. Richard Bodge of Portsmouth  
Gail E. Bower of Manchester  
Richard L. Bradley of Thornton  
Stanwood S. Brown of Hampton  
Thomas P. Connors of Portsmouth  
William H. Craig of Manchester  
Lucille LaGasse of Manchester  
Philip A. Smith of Salem  
Shirley B. Welch of Concord

Most sincerely,  
s/ Walter Peterson, Governor

#### SPEAKER'S REMARKS

I wish to welcome each of you to this historic special session of the legislature and wish to extend a special welcome to the newly elected members of this body.

I say "historic session" because this will undoubtedly be the longest, busiest and, I hope, most productive special session in the history of our state.

I said to you on the opening day of our regular session that I hoped at the conclusion of our work we could say with quiet pride, "I am proud to have served in the 1969 legislature." I think we can take pride in our performance last year.

I think we have even a greater opportunity before us today. This special session has already become beclouded by the

ever present issue of taxation. This special session has already become beclouded by the ever present inter-political party feuding. It is my hope that neither of these problems will deter us from evaluating each and every proposal before us on its merits. The real issue at stake in this special session is whether or not we are to modernize the legislative and executive departments to better equip them to meet the needs facing our state. All change is not progress and, frankly, I do not support, personally, all of the Task Force recommendations submitted to this legislature by our governor. Neither do I oppose them all. On some of them I have not yet reached a firm conclusion despite research, and I shall make a final evaluation after hearing the testimony to be offered at public hearings. What I am trying to suggest is that we have a real opportunity to give New Hampshire government more effective tools to do its job. I hope each and every one of you will abandon any preconceived notions and traditional positions, and will forego decision making by pure party politics as the sole criteria for judging any piece of legislation.

I have said already that this will be the busiest special session in our history. For this reason I, and your Rules Committee, have taken unprecedented action to expedite the orderly decision-making process. You have already received every one of the 83 bills in final printed form that the Joint Rules Committee has recommended for introduction. Public hearings have already been scheduled and announced in advance to the public on 95% of these measures. I would like to commend Arthur Drake and his hard-working Rules Committee for their diligence in making this possible. I would like to pay special commendation to Assistant House Majority Leader Jim O'Neil and the Committee Chairmen for their cooperation in scheduling the committee hearings. And I think a special commendation is in order to the entire Legislative Services branch for their work above and beyond the call of duty in giving us the tools for an orderly session. I can but dream of the day when we could start our regular session equally well prepared for action.

Let me clear up one misconception concerning the rules. My friends in the press have tried to convince you that I have a master plot to change the rules in such a manner as to pave the way for the enactment of a Sales Tax. I have always been frank and direct in my dealings with this House. Sometimes

to my own detriment. If I thought I could engineer the passage of a Sales Tax, I would do so for, in my opinion, it is the best solution to the many unmet needs facing New Hampshire. However, the political facts of life are that the Sales Tax, as a substitute for the Business Profits Tax, just does not have the votes, regardless of what the rules are. How a pundit from the press can conceive a set of circumstances where the Business Profits Tax, which does not hit most of the citizens of our state could fail, and some political genius could replace it with a Sales or Income tax that hits every citizen of this state, does not make political sense to me.

Therefore, I have decided not to recommend repeal of House Rule 24 regarding indefinite postponement. I think Chairman Drake and his Rules Committee have offered you a workable set of rules that will allow us to transact the business before us in an orderly fashion.

The Leadership will support any additional changes beyond those proposed by the Rules Committee that might lead to a more orderly process. I view our rules as tools that allow each of you to have your say in your own way. The rules must protect any minority position and at the same time allow the will of the majority to prevail. I trust in you and your collective judgment. I know that no man, nor any group of men, can long-range fool or pull the wool over your eyes. My goal and, I hope, yours, is to consider each and every measure before us on its merits, with the end result that we have given the State of New Hampshire better tools to meet the problems facing it in the decade of the 1970's.

In conjunction with giving the legislature better tools, I intend to recommend to the Appropriations Committee the suggestion of former Senate President Stewart Lamprey given to us in his final address last April, that we consider the implementation of a legislative planning department so that we may more orderly work towards our long-range and short-term goals.

I am pleased to be back working with you for a better New Hampshire.

## ROLL CALL

### BELKNAP COUNTY:

Urie, Allan, Stuart B., Lawton, Roberts, Charles B., Randall, Earle F., Nighswander, Wuelper, Roberts, George B.,



Mutzbauer, deBlois, Martin, Normandin, Head, Prescott, Du-lac, Randlett, Foster, Claude W.

CARROLL COUNTY:

Howard, Donalda K., Davis, Esther M., Cox, Roberts, Milburn F., Hayes, Remick, Davis, Dorothy W., Hickey, Chase, Russell C., Claflin, Fox.

CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Forbes, Trowbridge, Danielchik, Austin, Cournoyer, McGinness, Allen, James F., Bennett, Jennie B., Halvorson, Durham, Hackler, Thompson, Willard L., O'Neil, Battenfeld, Raymond, Pollock, Saunders, Callahan, Heald, Cleon E., MacKenzie, Walker, Barker, Sheldon L., Moran, Drew, Harold, Johnson, Elmer L., Tasoulas.

COOS COUNTY:

Huggins, Marsh, Noyes, Bushey, Hunt, Drake, Shute, Burns, O'Hara, Oleson, Dubey, Fortier, Roy, Edgar J., Desilets, Studd, York, Elmer H., Brungot, Lemire, McQuin, Gagnon, Parent, Theriault, Thurston, Richardson, Mabel L.

GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Tilton, Higgins, McGee, Brummer, Chamberlin, Bennett, Phil A., McMeekin, Anderson, Fayne E., Park, Nutt, Smith, Manson B., Duhaime, Roger M., Tremblay, Merrill, Dudley, Ellms, Blain, Hopkins, Buckman, Bell, Sears, Karsten, Bradley, Cone.

HILLSBOROUGH COUNTY:

Aucella, Eaton, Bittenbender, Sawyer, Brown, H. Allen, Knight, Poehlman, Vallee, Weilbrenner, Nixon, Daloz, Mann, Murray, Karnis, Fortin, Heald, Philip C., Jr., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Bridges, Brocklebank, Bouchard, Wallin, Barker, Helen A., Record, Cobleigh, Belcourt, Lesage, Drabinowicz, Mason, Desmarais, LaChance, Poliquin, Bouley, Chamard, Cote, Margaret S., Aubut, Boisvert, Ralph W., Boisvert, Wilfred A., Dubois, Sirois,

Bissonnette, Coutermarsh, Bednar, Lynch, Keeney, Cares, Peabody, Arthur H., Watson, Buker, Goode, Loxton, Carmen, Carrier, Lang, Milne, Soucy, Zachos, Gardner, William J., Montplaisir, Murphy, Francis, Roy, Antoinette B., Bruton, Cote, Joseph, Dion, Leo L., Duhaime, Armand L., Cullity, McDermott, Welch, John L., Betley, Manning, Thomas E., Walsh, Edward J., Barrett, Casey, Clancy, Healy, O'Connor, Michael F., LaFrance, Leclerc, Martel, Thibeault, Craig, Campono, Champagne, Chevrette, Bower, Derome, Raiche, Walsh, Michael P., Belanger, O'Connor, James P., Goedecke, Sweeney, Clear, Nourie, Storm, Arthur, Levasseur, Nalette, Allard, Lambert, Lavallee, Lesmerises, Lagasse, Burke, Grady, McGrail, Vachon.

#### MERRIMACK COUNTY:

Andrews, Bigelow, Storm, Irene, Reddy, Hanson, Enright, Gamache, Goff, Robinson, Bartlett, Avery, Mousseau, Kopperl, Bent, Burleigh, Dempsey, Gilman, Greeley, Laroche, Mattice, Welch, Alfred E., Michels, Cate, Davis, Alice, Henry, Cheney, Charles H., Sr., McLane, Phillips, Horan, Smith, Roger A., Howland, MacDonald, Sanders, Fuller, Glavin, Newell, Howard, C. Edwin, Chase, Lila S., Welch, Shirley B., Tarr, Beauchesne, Andersen, Chris K.

#### ROCKINGHAM COUNTY:

Fernald, Stimmell, Persson, Griffin, Hall, Ormiston, Adams, Gay, Kimball, Read, Maurice W., Senter, Tarbell, DeCesare, Gelt, Smith, Philip A., Morrison, Marden, Clark, Ernest D., White, George W., Sr., Palmer, Schwaner, Spollett, Cummings, Greenwood, Underwood, Goodrich, Hoar, Sewall, Twardus, Scamman, Collishaw, Eastman, Junkins, Varrill, Hamel, Randall, Anthony T., Cheney, George L., Fiske, Casassa, Brown, Stanwood S., Shindledecker, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Maynard, McEachern, Archie D., Bowles, Dorley, Quirk, Dame, Connors, Bodge, Splaine, Croft, Gage, Coussoule, Bowlen.

#### STRAFFORD COUNTY:

Dawson, Morrow, Clark, Shirley M., Cochrane, Shirley, Tirrell, Joncas, Maloomian, Habel, Chasse, Hebert, Boire,

Dumais, Rolfe, Berkey, Thompson, Barbara C., Hussey, Vickery, Beaudoin, Preston, Smith, Richard L., Tripp, Peabody, Raymond B., Leighton, Pray, Bernard, Webber, Fellows, Young, Kinney, Parnagian, Richardson, Harriett W. B., Torr, Maglaras, Murphy, Peter J.

SULLIVAN COUNTY:

Logan, Mackintosh, Gaffney, Rousseau, Angus, Campbell, Nahil, Spaulding, Roma A., Barrows, D'Amante, Hamilton, Coggeshall, Downing, Saggiotes, Tracey, Frizzell, Galbraith, Merrifield, Williamson.

Leaves granted — Reps. VanLoan, Edward York, Rep. Sherman, Clement, Radway, Robert B. Drew, Carl P. Foster, A. George Manning, Dow and Nyberg.

375 Members having answered, a quorum was declared present.

Reps. Logan and Raiche offered the following resolution.

Resolved, that the honorable Senate be notified that the House of Representatives has assembled under the authority of the call of a special session by the governor and council, and is now ready to proceed with the business of the 1970 special session.

Adopted.

Reps. Logan and Raiche offered the following resolution.

Resolved, that the honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at twelve o'clock for the purpose of receiving his excellency the governor and any communication he may be pleased to make, and that a joint committee of five consisting of three on the part of the House and two on the part of the Senate be appointed to wait upon his excellency and inform him accordingly.

Adopted.

The Speaker appointed Reps. Brungot, Helen Barker and Normandin to wait upon the Governor.

Rep. Drake offered the following Resolution:

Be it resolved by the House that the rules of the 1969 session of the House, as amended in accordance with the copy distributed to all members and now in their possession, be adopted as the rules of the House for the 1970 special session.

Rep. Drake explained the proposed changes:

28 (b) Notice of a motion for reconsideration shall be in order only when given to the House in open session prior to adjournment on the same day on which the vote was passed or on the next day on which the House shall be in session within one-half hour after the convening of the early session and any such notice of reconsideration shall be effective only for said *next* legislative day and thereafter shall be null and void.

32-a. This rule to be omitted.

43. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least *one* day in the Journal of the House. When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House Committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill and no further public hearing on such bill shall be required when such bill is subsequently received in the House from the Senate.

43-a. To be omitted.

45-a. To be omitted.

47. No rule shall be rescinded unless *one* day's notice of the motion has been given and *a majority* of those present vote therefor.

53. To be omitted.

56. Held for further consideration.

57. To be omitted.

58. To be omitted.

Rep. Craig rose on a point of parliamentary inquiry.

Rep. O'Neil offered the following amendment: Strike out any change in rule 47 and substitute No change.

Reps. Coutermarsh and Drake spoke in favor.

Adopted.

## SENATE MESSAGES

The Senate has assembled under the authority of the call of a special session by the governor and council, and is now ready to proceed with the business of the 1970 Special Session.

The Senate concurs with the House of Representatives in its motion to meet in joint convention at twelve o'clock for the purpose of receiving His Excellency the Governor and any communication he may be pleased to make, and the president has appointed the following senators to serve on the joint committee: Sens. Bradshaw and Spanos.

The Speaker suspended debate to wait upon the Governor.

## RECESS

## JOINT CONVENTION

His Excellency, Governor Peterson appeared and addressed the Joint Convention as follows:

I have stood at many rostrums and before many groups of people since we last met, but this rostrum and this group remain my favorites. I very much appreciate the opportunity to speak to you at the opening of this special session. The next few weeks are crucially important ones for the future of New Hampshire. The matters we shall be dealing with here should not, and I believe, cannot, be put off.

A little more than a year ago, I promised you that I would make efficiency and economy in government the highest priority of my administration. This was the goal we set for the Citizens Task Force — to find ways to make our government more responsive to the needs of the people, with minimum waste and at minimum cost. The results of the Citizens Task Force have already amply repaid its cost. But rather than try to judge its success in terms of a balance sheet, I will predict that in five, or ten years from now, we will look back on that effort as a milestone in the history of New Hampshire, as a moment when we took stock of where we were and, in Lincoln's phrase, "Whither we are tending . . ." We owe, I believe, a debt of gratitude to the more than 300 citizens who gave of their time and knowledge in that bipartisan effort, and if I must single out any individual for his role, it would be Royden C. Sanders,

the busy president of Sanders Associates, the state's largest industry, who served as chairman of the Citizens Task Force. But while I'm giving credit, let me give some to you. The ultimate decision to make the task force possible was yours — you authorized and funded a study of state government. You have a stake in its outcome.

Here in New Hampshire we live in a time of unprecedented growth and change. In southern parts of the state, population has doubled in twenty years, and the pattern is moving northward. Developers, large and small, are buying up tracts of our scenic land. Our economic growth has been on the order of 9 percent a year. New Hampshire is now as never before a truly industrial state. The growth in all sectors has translated itself into problems we did not have to face a few short years ago, but which now cannot be ignored, and I propose decisive action.

In New Hampshire, as everywhere, inflation is taking a terrible toll. When our wives go to the market they have to take more money than they had to last year or the year before. When we ask our government to buy the same services that you have authorized in the past, it too, has to use more money. This is evident in all phases of government, but most alarmingly so in the case of education, where costs have risen twice as fast as enrollments. State and local governments are caught in a squeeze between the rising need for services and the spiraling costs of providing them.

The Citizens Task Force attacked this problem honestly. Its executive committee was not deluded into believing that New Hampshire's ability to pay was infinite. It recognized that the state needs more revenue, that the cities and towns need more assistance, but it *also* recognized that first we must make full use of the funds we now have, and that heavy new taxation would be unjust to those least able to afford it in this low-income state.

It is always easy, of course, to talk economy, but finding true economies in government involves painstaking work. No governor in the history of New Hampshire has instituted the economy measures that I have effected since the first day of my administration. During the last session I had the invaluable cooperation of this General Court. Since that time through

continuing vigilance in the use of our tax dollars, and acting on the recommendations of trained management consultants, after thorough consultation with concerned department heads, I have issued executive orders to cut costs in government — in the use of telephones, in management of our automobile fleet, and in the procedures of purchasing state materials. I remind you that we now spend millions annually in these basic costs of government. I have also imposed a freeze on hiring to set the stage for your action on a bill abolishing unfilled positions. To those who would protest the elimination of these positions, who claim that they are essential, I would emphasize that they are presently unfilled, that many have been unfilled for a long time, that the funds appropriated for these positions are not being used as intended, and that the result of this action will be a forced re-evaluation of the necessity and the wage levels of these jobs. It is now up to you to safeguard these savings, which could approach \$3 million annually.

To do this, I shall propose to you a series of reorganization measures designed to establish firm controls at the highest levels of government. They include a four-year term for governor, more adequate staff for him, and the establishment of four deputies to the governor. I know the easy political arguments against these proposals. They will be called a means to give a future governor unwarranted power. This is utter nonsense. No governor, checked by the Executive Council and by an alert legislature — especially one meeting in annual session — can usurp power. But with the reforms I propose, the future governors will be able, for the first time, to perform effective management control over the people's business without which no real savings can be maintained.

To provide a four-year term for governor, annual sessions of the legislature, and a line-item veto for the governor, I ask merely that we give our citizens a chance to vote on these constitutional amendments. They have already shown their support for annual sessions in 1966. Should we not give them the chance to express their opinion again on this, as well as on the other issues, and let them decide?

Eric Severeid has said that the single greatest problem of the decade of the 70's will be to make government work. It is in this spirit that I propose the establishment of deputies to the governor. Here, too, I know the easy political arguments.



But no one who understands management will believe them: our government is like a business without vice presidents — everybody reports directly to the chief, the governor. He needs able people in top management positions, so that his office may stay on top of problems, and not just react to periodic crises.

We would move the basic planning functions into the governor's office, to provide him with information on trends on which he may make forward-looking decisions. We would establish a budget director to help a governor, especially an incoming governor, to impose fiscal controls and better fiscal planning. We would establish a housing authority to do a job no present agency does. When it becomes virtually impossible for a low or middle income person in New Hampshire to find a decent home, it is time to provide a vehicle to take action in their interest. The problem of housing has a special impact on our older citizens, who too often are driven from their homes by the rising tide of property taxes. I will support efforts to offer the elderly who are most hard-pressed a measure of relief from the burden of taxes.

As a further step to make government responsive to the needs of modern times, we would establish, in the office of the Attorney General, a consumer fraud division, and at the same time institute stricter laws to protect the consumer. The files of the Attorney General already contain a number of complaints of outrageous fraud, usually inflicted on people least able to protect themselves or seek redress through private legal assistance. With a strong law, and an action office, the perpetrators will be somewhat more reluctant than they have been.

We would also establish a State Office of Community Affairs designed to provide assistance to our communities, and especially the smaller ones, which do not have the staff or funds to solve many of the complex problems now facing them, or even to be aware of federal programs which could assist them.

I have talked to you about our government and how we can improve it. Let me now talk to you about New Hampshire's pressing needs.

In New Hampshire today there are growing numbers of young people who are using heroin. While the number of arrests has tripled in one year, the number of overall drug arrests has risen seventy percent during the same period. We must



attack this problem head-on. When I say we must fight this problem, I say we must fight it in the streets. There are drug pushers in the streets of our cities and they must be eliminated. It is not sufficient to continue to hack away at the branches — we must tear out the root of this insidious evil which infects the youth of our state. For those who have already succumbed to addiction, we must provide treatment, and so that the rest may be spared, we must educate them to the danger. The price tag is small when you consider that if we do not act decisively, the cost will be far higher, not only in dollars but in the pain and disgrace to parents and children, and to all of us for ignoring the problem.

Nor can we ignore the protection of our incomparable environment — our air, our land, and our water. You have set high standards of quality for our bodies of water. Now we must give our Pollution Control Commission the tools to do the job right. Private citizens cannot accomplish this. Cities and towns cannot afford this, we must do it. The penalty for not acting will be the infliction of serious economic loss, as well as a tragic lessening of the quality of life in New Hampshire. We must protect against improper and poorly planned development of our land, and also against the acquisition of our land by the unscrupulous elements of our society. Thus I shall propose to you a land development full disclosure act so that we may know the identity and intentions of those who buy large tracts of our land.

The rising cry for state aid to the school systems of New Hampshire must not fall on deaf ears. The plain truth is that less money was appropriated last year for aid to local school districts than had been provided the year before. Many communities cannot provide quality education for their young people even though their property tax rates are in many cases confiscatory. I shall propose an increase in this aid which promotes more equalized educational opportunity in this state without altering our long tradition of local control.

I also propose that we institute a program of indirect aid to communities in support of their parochial schools. This program was recommended by the Non-Public School Study Committee and the Citizens Task Force and drawn up in accord with guidelines set by our Supreme Court. Our parochial schools are in trouble and need help, and that means the com-

munities which have them are in trouble and need help. We have seen the fiscal crises which result from the abrupt closing of these schools and the ruinous burden it imposes on the property taxpayer. I promised in my inaugural address to you that I would act; and I have acted.

I am deeply concerned about our state's fifteen mental health centers. Thirteen of these centers are in financial trouble — the other two are in imminent danger of collapse. Supported by both public and private funds, they perform the vital function of keeping persons in their communities where they may often continue to be productive members of society, rather than wards of the state, with the resultant high cost in human and economic terms.

Our State Medical Society has spoken eloquently about the plight of our New Hampshire State Hospital. Within the next two years vital needs must be met if accreditation of this institution is to be maintained, and only improved funding of critically needed positions will provide a solution.

Of late we have read in the press what some of us had already come to realize: that the state is simply not meeting its obligation to provide adequate care for the sick and the elderly in our nursing homes. We cannot permit this situation to continue.

It is very plain that the State of New Hampshire and its communities need growing revenue sources to supply its present needs and anticipate those of the future. Revenue measures I shall place before you include small increases in the parimutuel and tobacco taxes, and a 4 percent income tax on out-of-state residents who work in New Hampshire. This tax on non-residents is, in effect, a reciprocal tax with the states surrounding us, all of which tax the income of New Hampshire residents who work in their states. The tax paid by these non-residents would be deducted from the tax they now pay in their own states, and thus would be no new burden.

But the key to meeting the needs of our people is a six percent levy on the net profits of all businesses operating in our state, coupled with repeal of the stock in trade, machinery and livestock taxes now collected by the cities and towns.

By this action we could move toward a fair tax structure for New Hampshire by substituting the concept of ability to

pay, as defined by net profits, for the outmoded approach of taxing personal property employed by business. By this one stroke we will make New Hampshire more attractive for the kind of industrial growth and improved job opportunities that we need if we are to raise the income level of our people, and at the same time give much needed tax relief and safeguard the jobs of New Hampshire citizens working in our hard pressed old-line industries.

You have already heard much about this proposal, including, I'm afraid, a certain amount of nonsense. There has been the charge that the cities and towns, by losing their ancient, and antiquated, tax sources, will lose revenue. This is just not so. The bill guarantees reimbursement to the cities and towns in 1970 of ten percent more than they received in 1969 from the old taxes, with an additional ten percent returned to them in each succeeding year.

I would not propose this measure if I thought for a single moment that it would not produce revenue sufficient to guarantee this growing return to communities. Of course subsequent legislatures will review the reimbursement formula contained in this proposal and will have the ability to make changes that are responsive to the needs of the times. This proposal recognizes the tremendous financial burden being borne by cities and towns. It also recognizes that stock-in-trade and machinery taxes have worked to the detriment of our older established industries, while other businesses have been getting a free ride. This is simply unfair, not only to business, but to those employees of our traditional industries now so often in marginal situations.

A second charge is that this levy will hurt the small businessman and the consumer. This is not true. The owners of unincorporated businesses will be permitted to deduct a reasonable compensation for their own services before computing the tax. They determine the reasonable compensation, and the burden of proof is on the Tax Commission, not on them. For most businesses dealing directly with the consumer, the tax burden will be lighter and not heavier. This is the first attempt in many years to give tax relief to the small businessman and to place him on a more equal footing with his giant competitors. At the same time many larger business organizations in our

State will be paying a reasonable tax to New Hampshire for the first time. I cannot stress too much the significance of a tax on business profits as it relates to the economic growth of our State. Historically taxes of this kind grow in a direct relationship to the prosperity of the state and reflect real growth, and thus the state has revenue to meet the needs for services which also expand with the growth of the state. This then is my program.

I have listened patiently to those who enjoy the luxury of rhetoric without the burden of responsibility.

I have listened patiently to those who have echoed shrill cries for economy without recommending specific action.

I reject these opportunists who think only of themselves and not of the needs of the people.

We face the spectre of mounting abuse of drugs by the young.

Let *them* say wait — I cannot wait.

We witness the steady increase of the pollution of our environment.

Let *them* say wait — I cannot wait.

We see many of our fellow citizens, young and old alike, beset with mental illness.

Let *others* say wait — I cannot wait.

You and I know of the plight of the local property taxpayer and his effort to give his children a quality education.

Shall we wait? — I say no!

As the elected representatives of the people, we cannot, will not and must not, ignore basic needs of the people.

We have the opportunity to act now. For the sake of the people of New Hampshire, I ask your help.

On motion of Senator Spanos of the 8th district, the Convention rose.

## HOUSE

The motion before the House is to adopt the rules for the 1969 Session.

Rep. Drake continued explaining further rules changes.

Rep. Newell offered the following amendment and spoke in its favor.

Amend House Rule 20 by interchanging "sixth, to postpone indefinitely" with "seventh, to amend" in the order of precedence of motions so that said rule shall read as follows:

20. When any question is under debate, no motion shall be received, but, first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter.

Rep. Newell spoke a second time in favor of the amendment and subsequently withdrew his amendment.

Rep. Logan rose on a point of parliamentary inquiry.

The Speaker explained the procedure.

Rules adopted.

Rep. Drake offered the following House Concurrent Resolution.

The Clerk read the House Concurrent Resolution in full.

(HCR)

Be it resolved by the House of Representatives, the Senate concurring, that the joint rules of the 1969 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1970 special session.

## AMENDMENTS PROPOSED TO JOINT RULES

12. Each body shall take final action on all bills that originate therein not later than *ninth legislative day*. The nonoriginating body shall take final action on all referred bills not later than *thirteenth legislative day*, provided that if any bill is sent

to a committee of conference further action may be taken subsequent to said date by the House and Senate.

14. No bill, joint resolution, concurrent resolution to amend the constitution, claim outstanding on the first day of the session or petition relating to new business shall be introduced in the session unless *the Rules Committee of the house in which it is to be introduced has given its prior approval for such introduction*; provided that this rule may be suspended in either house whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and

21. To be omitted.

22. To be omitted.

23. To be omitted.

24. To be omitted.

26. To be omitted.

27. Suggested New Rule.

27. No action may be taken in either house on any committee of conference report until a copy of said report has been delivered to the seats or placed on the desks of all members.

Rep. Drake explained the proposed Joint Rule changes.

(discussion ensued)

Rep. Bittenbender rose on a point of parliamentary inquiry.

The Speaker explained the Joint Rules.

Rep. Bednar rose on a point of parliamentary inquiry.

The Speaker stated that he would urge all committee chairmen considering Constitutional amendments to expedite their reports.

Rep. Newell offered the following amendment.

#### **Proposed Joint Rule 16-a**

Amend the Joint Rules by inserting the following new rule:

16-a. Each bill or resolution first publicly heard before committees of the Senate and the House of Representatives sitting jointly and later amended by that house in which it originated shall be heard by a committee of that house to which it shall have been transmitted in amended form unless the latter house shall waive a public hearing upon an affirmative vote of two-thirds on division taken.

The Clerk read the amendment in full.

Rep. O'Neil spoke against the amendment.

Rep. Drake explained Rule 16.

Rep. Newell withdrew his amendment.

Rep. Newell offered the following amendment:

#### **Proposed amendment to Joint Rule 21**

Amend Joint Rule 21 by striking out the same and inserting in place thereof the following:

21. A concurrent resolution proposing a constitutional amendment, as provided by Rule No. 20, may be heard jointly as provided under Joint Rule 16 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee and not by the committees jointly and passage in final form shall be completed by both bodies.

The Clerk read the amendment in full.

Rep. Newell explained his amendment and subsequently withdrew his amendment.

Rep. Belcourt spoke in favor of the Joint Rules.

Joint Rules adopted.

Rep. Drake answered questions at the request of Rep. Maloomian.

(discussion ensued)

Reps. Logan and Raiche offered the following resolution.



Be it resolved by the House, the Senate concurring, that the actions of the rules committees of each house and the joint rules committee in granting and denying approval for drafting, pre-printing, and introduction of bills, joint resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling of all hearings by said committees as printed in the calendars of both houses and today distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

The Clerk read the resolution in full.

Rep. Williamson rose on a point of parliamentary inquiry.

Adopted.

Reps. Logan and Raiche offered the following resolution.

Resolved by the House of Representatives that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snow storm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution cancelled shall be entitled to legislative mileage for such attendance on legislative business.

The Clerk read the resolution in full.

Adopted.

Reps. Logan and Raiche offered the following resolution.

Resolved, that the following policy be established for the distribution of house journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.



2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees will be payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the speaker and shall be collected by the Sergeant-at-Arms and paid into the state treasury and credited to the legislative appropriation. Any house attache who works overtime to furnish any of the services hereunder shall be allowed such additional sum for his over-time services as the appropriations committee shall deem fair and reasonable.

Adopted.

Reps. Logan and Raiche offered the following resolution.

Resolved, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the clerk, within three legislative days, to confirm and correct the permanent journal. The permanent journal as thus prepared by the clerk or as corrected by the House shall be the official record of the House, and be it further

Resolved, that the committee on the journal be authorized to examine the permanent journal of the last three days of the session, as prepared by the clerk, and with the approval of the speaker and the minority leader to make corrections of the same.

The Clerk read the resolution in full.

Rep. Hamel answered questions.

Rep. O'Neil moved that the resolution be laid on the table until tomorrow.

Adopted.

Reps. Logan and Raiche offered the following House concurrent resolution.

Be it resolved by the House that no bill, joint resolution, or concurrent resolution to amend the constitution shall be introduced in the session unless the rules committee of the house of introduction has approved such introduction, provided that any such matter may be introduced without the approval of one

of the rules committees if so voted by two-thirds of the whole number of elected members of the proposed house of introduction.

The Clerk read the resolution in full.

Rep. Drake explained the resolution. Adopted.

Rep. Newell offered the following resolution and moved that the reading of resolutions be waived and it be referred to the Journal Committee. Adopted.

Whereas, when the House Journal for the 1969 session was printed the record for February 25 was omitted by mistake, now therefore

Resolved, That the record for said day is hereby included in the journal record for the 1970 session, which said 1969 record read as follows:

Tuesday, February 25, 1969

## HOUSE JOURNAL

State of New Hampshire

The House met at 11:00.

(Rep. MacKenzie in chair)

Rep. Morrill moved that the House adjourn until Wednesday, February 26 at 11:00 A.M., that all scheduled hearings for today be cancelled and be rescheduled by the Chairman, and that the calendar for today be the first order of business for Wednesday, February 26, 1969.

Rep. Coutermarsh spoke in favor of the motion.

Motion adopted by vv.

On motion of Rep. Coutermarsh the House adjourned at 11:05 A.M.

Rep. McMeekin offered the following resolution.

Be it resolved by the House that in accordance with the list in the possession of the clerk, house bills numbered one through forty-three and house joint resolutions one through five shall be by this resolution read a first and second time by

the therein listed titles, and referred to the therein designated committee, said list being in accordance with the referral appearing on the printed copies of said house bills and joint resolutions excepting house bill nine relative to which the referral is changed from public health, welfare and state institutions to appropriations and house bill thirty-one relative to which the sponsor is changed from Rep. Spalding of Hillsborough Dist. 12 to Rep. Hall of Rockingham Dist. 4 and the referral is changed from Transportation to Appropriations.

Be it further resolved, that said list be printed in the journal for today.

The Clerk read the resolution in full. Adopted.

### INTRODUCTION OF BILLS

HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns. (Trowbridge of Cheshire Dist. 4, Goff of Merrimack Dist. 9, Logan of Sullivan Dist. 1 — To Ways and Means.)

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor. (McMeekin of Grafton Dist. 6 — To Executive Departments and Administration.)

HB 3, establishing an office of community affairs and making an appropriation therefor. (Trowbridge of Cheshire Dist. 4, Goff of Merrimack Dist. 9, Hanson of Merrimack Dist. 6 — To Executive Departments and Administration.)

HB 4, establishing a department of housing and making an appropriation therefor. (Trowbridge of Cheshire Dist. 4, Goff of Merrimack Dist. 9, Logan of Sullivan Dist. 1 — To Public Works.)

HB 5, transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital. (Heald of Cheshire Dist. 15 — To Public Health, Welfare & Institutions.)

HB 6, providing for consumer protection and making an appropriation therefor. (Zachos of Hillsborough Dist. 27, Nixon of Hillsborough Dist. 5 — To Executive Departments and Administration.)

HB 7, to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony. (Cobleigh of Hillsborough Dist. 15, Hamel of Rockingham Dist. 17 — To Judiciary.)

HB 8, increasing the amount authorized for state guarantee of municipal bonds for water pollution. (Urie of Belknap Dist. 1 — To Appropriations.)

HB 9, establishing a commission to study state personnel procedures and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Appropriations.)

HB 10, increasing the appropriation for the New England board of higher education for the fiscal year ending June 30, 1971. (Frizzell of Sullivan Dist. 7 — To Appropriations.)

HB 11, establishing a state personnel merit rating system. (Cobleigh of Hillsborough Dist. 15 — To Constitutional Revision.)

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. (Chase of Carroll Dist. 7 — To Statutory Revision.)

HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor. (Davis of Merrimack Dist. 21 — To Public Works.)

HB 14, relative to the sale of subdivided land. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 15, to define jurisdiction over dredge and fill operations in waters and wetlands located in this state. (Kopperl of Merrimack Dist. 12, Junkins of Rockingham Dist. 16, Hayes of Carroll Dist. 3, Lockhart of Rockingham Dist. 22, Oleson of Coos Dist. 5, Tracey of Sullivan Dist. 6 — To Resources, Recreation & Development.)

HB 16, authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council. (Cobleigh of Hillsborough Dist. 15, Raiche of Hillsborough Dist. 34 — To Education.)

HB 17, clarifying tax exemptions on real estate and personal property owned by governmental bodies. (Maynard of Rockingham Dist. 24 — To Ways and Means.)

HB 18, relative to the burden of proof relating to comparative negligence. (Nixon of Hillsborough Dist. 5 — To Judiciary.)

HB 19, providing that the water supply and pollution control commission shall be the sole authority to prohibit bathing at public bathing areas due to pollution levels. (deBlois of Belknap Dist. 8 — To Public Health, Welfare & Institutions.)

HB 20, prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age. (deBlois of Belknap Dist. 8 — To Statutory Revision.)

HB 21, relative to out-of-state tuition charges at the university of New Hampshire. (Clark of Strafford Dist. 4 — To Appropriations.)

HB 22, relative to the salaries of the Carroll county attorney and the Carroll county treasurer. (Davis of Carroll Dist. 2 — To Carroll Delegation.)

HB 23, relative to the control of algae and other aquatic nuisances. (Cobleigh of Hillsborough Dist. 15, Fuller of Merrimack Dist. 26 — To Appropriations.)

HB 24, allowing members of the general court to work at the race track on nonlegislative days. (Vachon of Hillsborough Dist. 40 — To Ways and Means.)

HB 25, to remove certain restrictions on money collected by the board of probation. (Cobleigh of Hillsborough Dist. 15, Nixon of Hillsborough Dist. 5 — To Appropriations.)

HB 26, providing for additional personnel for vocational rehabilitation, fixing salaries of vocational rehabilitation counselors and transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education and making certain appropriations. (Cobleigh of Hillsborough Dist. 15 — To Appropriations.)

HB 27, imposing a tax on the profit from the transfer of land. (Bednar of Hillsborough Dist. 23, Bittenbender of Hillsborough Dist. 2 — To Ways and Means.)

HB 28, providing for medical facilities at the industrial school and making appropriation therefor. (Cobleigh of Hills-

borough Dist. 15 — To Joint Committee of Public Works and Public Health, Welfare and State Institutions.)

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon. (Bowles of Rockingham Dist. 25, Maynard of Rockingham Dist. 24 — To Municipal and County Government.)

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse. (Cobleigh of Hillsborough Dist. 15 — To Judiciary.)

HB 31, relative to the industrial development authority. (Hall of Rockingham Dist. 4 — To Appropriations.)

HB 32, providing for a board of registrars of voters and centralized voter registration with the city clerk in the city of Nashua. (Wallin of Hillsborough Dist. 14 — To Nashua Delegation.)

HB 33, clarifying the statute relative to management-employee relations at the university of New Hampshire. (Clark of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 34, to enlarge the authority of the New Hampshire Higher Educational Building Corporation. (Brocklebank of Hillsborough Dist. 13 — To Appropriations.)

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax. (Clark of Strafford Dist. 4 — To Municipal and County Government.)

HB 36, permitting oversize mobile homes and construction equipment up to fourteen feet to be moved over the highways. (Spalding of Hillsborough Dist. 12 — To Transportation.)

HB 37, clarifying the public hearing requirements and the duties of municipal boards relative to bond and note issues in excess of twenty thousand dollars. (Bednar of Hillsborough Dist. 23 — To Municipal & County Government.)

HB 38, abolishing certain classified positions and lapsing appropriations into the general fund. (Goff of Merrimack Dist. 9, Trowbridge of Cheshire Dist. 4, Logan of Sullivan Dist. 1 — To Appropriations.)

HB 39, providing for full disclosure in land sales and making an appropriation therefor. (Logan of Sullivan Dist. 1, Zachos of Hillsborough Dist. 27, Nixon of Hillsborough Dist. 5 — To Judiciary.)

HB 40, directing the reconstruction of the Taylors Falls bridge. (Bednar of Hillsborough Dist. 23 — To Public Works.)

HB 41, imposing a tax on certain incomes and making an appropriation therefor. (Trowbridge of Cheshire Dist. 4, Goff of Merrimack Dist. 9, Logan of Sullivan Dist. 1 — To Ways and Means.)

HB 42, relative to the administration of the insurance laws. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 43, increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing the membership of the state board of fire control and making its functions advisory. (Cobleigh of Hillsborough Dist. 15 — To Banks and Insurance.)

HJR 1, appropriating funds to convert the heating system at the state prison to oil. (Cochrane of Strafford Dist. 4 — To Appropriations.)

HJR 2, establishing a commission to recommend changes in the councilor districts. (Clark of Strafford Dist. 4 — To Judiciary.)

HJR 3, appropriating funds for an additional tax forms examiner for the state tax commission. (Cobleigh of Hillsborough Dist. 15 — To Appropriations.)

HJR 4, naming the David Wayne Hildreth Dam. (Anderson of Grafton Dist. 7 — To Agriculture.)

HJR 5, relative to reimbursement to the Lebanon school district for snow damage to the Lebanon senior high school. (Merrill of Grafton Dist. 13 — To Appropriations.)

Reps. Casey and Healy offered the following resolution.

That when the House adjourns today it be in honor of Greek Independence Day.

The Clerk read the resolution in full. Adopted.

Rep. Williamson rose on a point of parliamentary inquiry.



Rep. O'Neil moved that the rules of the House be so far suspended that the business in order at the late session be in order at the present time and that when the House adjourns it be to meet tomorrow at 11:00 o'clock.

Adopted.

### LATE SESSION

Rep. Lawton moved that the rules of the House be so far suspended as to allow the introduction of a bill without referral to the Rules Committee and that the Clerk read the bill in full.

The Clerk read the title of the bill.

providing a tax exemption for parents and lineal descendants under the legacy and succession tax and restoring the tax on gifts to New Hampshire charities.

Rep. Lawton explained the bill.

Reps. O'Neil and Nixon spoke against the motion.

Rep. deBlois spoke in favor of the motion.

Reps. Craig, Stevenson and Scamman rose on a point of parliamentary inquiry.

The Speaker read Rule 25.

Rep. Maloomian moved the previous question.

Adopted.

On a division vote 143 members voted in the affirmative and 175 in the negative. The motion failed not having received a two-thirds majority.

### OTHER SENATE MESSAGES

Senate concurrence in House Concurrent Resolution ratifying various actions of the rules committees.

Rep. Leo Dion moved adjournment at 2:16 P.M. in honor of Greek Independence Day.



*Thursday, 26Mar70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

SHALOM . . . May the day soon dawn when every shackle forged by man is loosed to set him free, when serfdom's yoke is broken, when every pharaoh is humbled, when all shall be free from poverty and fear. But if we would bear the torch of freedom's light into a world where men are still in servitude, then from our own shackles we must first emancipate ourselves from ignorance, from blinding hate. O GOD, speed the day when "every man shall sit under his vine and under his fig tree, and none shall make him afraid." Amen.

(A Passover Prayer . . . excerpt from  
"A Minute of Prayer" — C. Cross, editor.)

Rep. Shirley led the Pledge of Allegiance.

Leaves granted — Reps. Joseph McEachern and Gaffney.

#### SENATE MESSAGES

Senate concurrence on concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring, that the joint rules of the 1969 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1970 special session.

The Senate requested concurrence with a concurrent resolution:

Be it Resolved by the Senate, the House of Representatives concurring, that the clerks and assistant clerks of each house shall for the 1970 Special Session be paid the same daily compensation as they receive during a regular session.

Concurrent resolution adopted.

#### INTRODUCTION OF SENATE BILL

First & Second Reading & Referral

SB 15, validating the marriage of Alfred and Marie-Anne Langlois. Judiciary

## COMMUNICATION

March 25, 1970

J. Milton Street  
Clerk, House of Representatives

Dear Milt:

The Judicial Council has voted to submit the enclosed Interim Report and Recommended Legislation to the Special Session.

The precedent in the past for the submission of Interim reports has been that they have been printed in the Journals of both Houses. I sincerely hope that this can be the procedure at this session.

Representative Kimon Zachos, Chairman of the Judiciary Committee, is the sponsor of House Bill 14, which provides the Legislative recommendation as set forth in the Interim Report on House Bill 14 entitled "An Act relative to the sale of subdivided land." This Bill will have its public hearing in the House on Tuesday, March 31, at 10:00 a.m., therefore, we would appreciate it if this Interim Report could be made a part of the Journal of Thursday, March 26.

With constant good wishes, I remain.

Sincerely yours,

Rae S. Laraba  
Secretary

## RESOLUTIONS

Reps. Shirley and Tirrell of Durham and Rep. Morrow of Madbury offered the following resolutions:

*Whereas*, we have learned with regret of the death of Albert D. Littlehale, former Representative from Durham, and

*Whereas*, Mr. Littlehale served his community faithfully and with efficiency as a selectman for thirty years and as a member of the General Court for many sessions; therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his widow, Mrs. Alice Littlehale of Durham, N. H.

Adopted.

Rep. Helen Barker for the Nashua Delegation offered the following resolution:

*Whereas*, we have learned with regret of the death of John H. LaTour, Representative from Nashua, and

*Whereas*, Mr. LaTour served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to Mrs. Dora LaTour.

\* \* \*

Adopted by rising vote.

Rep. Hamel explained the new look of the Journal.

Rep. Hamel moved that the resolution regarding tape be removed from the table.

The Clerk read the resolution in full.

Rep. Newell moved that the resolution be made a special order for 11:01 Tuesday next and spoke in favor. Adopted.

Reps. Bowles, Wilfrid Boisvert and Soucy addressed the House by unanimous consent.

(discussion ensued)

#### COMMITTEE ASSIGNMENTS

Representative John Cone is transferred to Ways and Means Committee from Committee on Appropriations.

Representative William H. Craig is assigned to the Committee on Appropriations to replace Representative Edward York. This assignment will be for the Special Session.

Representative Elmer Johnson, in addition to Ways and Means, is assigned to Agriculture. This additional assignment is not printed in the Black Manual.

Rep. Merrifield on March 25 voted in favor of rules suspension to permit the introduction of the bill offered by Rep. Lawton.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Rep. Leo Dion moved that the House adjourn at 11:38 A.M. Adopted.

---

## *Tuesday, 31Mar70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

ALMIGHTY GOD, our Heavenly Father — amidst the labors of this busy day we pause to lift up our voices to Thee . . . help us to be strong and of good courage, unafraid and undismayed; direct us in the ways of righteousness and responsible action; unite us in those common efforts that will cause our "Granite State" to move forward and prosper her citizens. May Thy mighty arm protect and Thy infinite wisdom guide all who uphold the cause of truth and freedom to Thy honor and Thy glory. Amen.

(Rep. O'Neil in the Chair)

Rep. Stimmell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Anthony T. Randall and Gaffney were granted leave of absence for the day on account of illness.

Reps. Dunham and Mutzbauer were granted leave of absence for the day on account of important business.

## RESOLUTIONS

Rep. Logan offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 44 through 47 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees. Adopted.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen. (Williamson of Sullivan Dist. 9 — To Statutory Revision.)

HB 45, to legalize certain meetings of the Rye Beach Village District. (Greene of Rockingham Dist. 22 — To Statutory Revision.)

HB 46, to legalize the 1969 town meeting in the town of Hampton. (Casassa of Rockingham Dist. 20 — To Statutory Revision.)

HB 47, legalizing the annual town meeting of March 10, 1970, in the town of Hudson. (Bednar of Hillsborough Dist. 23 — To Statutory Revision.)

(Speaker in the Chair)

INTRODUCTION OF SENATE CA-CR's  
First & Second Reading & Referral

CA-CR 1, Relating to: How Often the Legislature Shall Meet. Providing that: The Legislature Shall Meet Annually. To Joint Judiciary, Constitutional Revision.

CA-CR 4, Relating to: Granting the legislature greater flexibility in raising public revenue through the power to tax. Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently. To Ways and Means.

INTRODUCTION OF SENATE BILLS  
First & Second Reading & Referral

SB 13, relative to the practice of law by professional associations. To Judiciary.

SB 16, relative to the expansion of the water system at the University of New Hampshire and making an appropriation therefor. To Public Works.

## COMMITTEE REPORT

### HB 18

relative to the burden of proof relating to comparative negligence. Rep. Craig for Judiciary. Ought to pass.

Ordered to third reading.

## SPECIAL ORDER

Rep. Hamel called for the Special Order for 11:01 on resolutions introduced by Reps. Logan and Raiche re the public address system and correction of the permanent Journal.

## RESOLUTIONS

Reps. Logan and Raiche offered the following resolution:

*Resolved*, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the clerk, within three legislative days, to confirm and correct the permanent journal. The permanent journal as thus prepared by the clerk or as corrected by the House shall be the official record of the House, and be it further

*Resolved*, that the committee on the journal be authorized to examine the permanent journal of the last three days of the session, as prepared by the clerk, and with the approval of the speaker and the minority leader to make corrections of the same.

The Clerk read the resolution in full. Adopted.

Rep. Vachon moved suspension of the Rules to vacate committee reference and public hearing on HB 24, allowing members of the general court to work at the race track on nonlegislative days, and that the bill be taken up at the present time.

Reps. Reddy, Raiche, MacKenzie spoke in favor of the motion.

## PARLIAMENTARY INQUIRY

Rep. Belanger rose on a point of parliamentary inquiry.

The Speaker stated that it would take a 2/3 vote of the members present to suspend the rules.

Motion adopted by a 2/3 vote.

Rep. Storm offered the following amendment:

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

This act to take effect on passage.

The Clerk read the amendment in full.

Rep. Storm explained his amendment.

Amendment adopted.

Ordered to third reading.

## RESOLUTIONS

Rep. Vachon offered the following resolutions:

*Whereas*, we have learned with regret of the death of Eugene Delisle, Representative from Manchester, and

*Whereas*, Mr. Delisle served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to Mrs. Eugene Delisle.

\* \* \*

Adopted by rising vote and a minute of silent prayer.

The Salem Delegation offered the following resolutions:

*Whereas*, we have learned with deepest sorrow of the passing of our fellow Representative, Roy Morrill of Salem, and

*Whereas*, Rep. Morrill served long and faithfully the needs of his state, county and community, always advancing the in-

terests of the people whom he served before personal obligations, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby pay homage to the memory of Rep. Morrill and extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

\* \* \*

Adopted by rising vote and a minute of silent prayer.

Rep. Vachon, for the Manchester Delegation offered the following resolutions:

#### RESOLUTIONS

*Whereas*, we have learned with regret of the death of Hector J. Rousseau, Representative from Manchester, and

*Whereas*, Mr. Rousseau served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to Mrs. Hector Rousseau.

\* \* \*

Adopted by rising vote and a minute of silent prayer.

Rep. George Merrifield of Sunapee offered the following resolutions:

#### RESOLUTIONS

*Whereas*, we have learned with sorrow of the death of Herbert B. Sawyer, a former Representative from Sunapee, and

*Whereas*, Mr. Sawyer has served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Repre-



sentatives in General Court convened, do hereby extend our sympathy to the family of Mr. Sawyer, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

\* \* \*

Adopted.

Rep. MacIntosh reported for the Sesquicentennial Committee.

Rep. O'Neil moved that the report of Legislative Historian, Leon W. Anderson be printed in the Journal.

Adopted.

## REPORT OF LEGISLATIVE HISTORIAN ANDERSON

Our 1969 State House Sesquicentennial Committee now offers a progress report which I trust lends lasting credit to the Legislature for its creation and support.

The Committee has been functioning for 13 months, having been appointed early in March of last year to handle observance of the 150th anniversary of our venerable State House last June 2.

A major objective of the Committee was to be self-supporting. So it sponsored the now famous State House souvenir liquor bottle for that purpose.

We are now happy to report that success has crowned the modest efforts of our Committee beyond all expectations.

The June 2 Sesquicentennial party generated broad citizen interest as two dozen of the oldest living ex-legislators became the centerpiece of the celebration. And it was keynoted by U. S. Senator Norris Cotton with such exemplary oratory and depth of feeling that his remarks will remain a beacon for lovers of democracy for years to come.

The birth and progress of our souvenir bottle is worthy of the telling, for permanent record, and possible use another 150 years hence, when we hope a Tricentennial celebration of our 1819 Captol will be in order.

But for the bottle, a replica of the original two-story State House with tiny wings, our Committee undoubtedly would not have been created, nor would we even have had the Sesqui party.

The record shows that Legislative Historian Leon Anderson plugged for weeks to induce our legislative leadership to help launch the project. It was not until he proposed the commemorative bottle to finance it that the celebration became a reality.

A five-member legislative Committee has supervised the bottle and its benefits, with Rep. James F. Mackintosh of Cornish as chairman, and Sen. Laurier Lamontagne of Berlin as clerk. Other members are Sen. Robert English of Hancock, Rep. Margaret Normandin of Laconia and Rep. Kenneth S. Morrow of Madbury.

The Legislature advanced the Committee a \$10,000 spending allotment. The bulk of it was used to produce 47,000 copies of a pamphlet history of the Capitol, as prepared by Anderson, who became the Committee Secretary. They went into all our libraries, schools, into the hands of school children, and the containers for the souvenir bottles, as packaged at Frankfort, Ky.

The Legislature charged the Committee to handle the purchase and distribution of the bottles, through and with the cooperation of the State Liquor Commission. And the Committee has frequently expressed commendation for the manner in which Chairman Costas Tentas and his liquor agency associates have shared their time and experience in promoting the success of the project. Merchandising Director Robert Herlihy has been particularly helpful.

The Committee first set a goal of 6,000 bottles, containing 12-year-old bottled-in-bond bourbon whiskey from the Ezra Brooks Distilling Company of Chicago. But developing interest sent it to 9,000 and then 12,000.

After public display of the sample bottle in August, pictures of the handsome State House replica were prominently featured in all of New Hampshire's newspapers. This boomed interest, so the order zoomed to 18,000 bottles.

Delivery was set for November but production problems delayed it to January. A first shipment of 9,000 bottles placed in the 55 state liquor stores sold within minutes.

This startling demand caused the Committee to limit the bottles to one per sale for a second 9,000 shipment in February,

rather than the original two-per-sale. The second allotment also was gobbled up like hot cakes. But this time some 900 bottles remained in smaller stores for two weeks or more.

The sensational clamor for the souvenir bottles led the Committee to heed Liquor Commission advice and place a second 18,000 order. But the molds were showing wear, so the Ezra Brooks officials reported the final order may fall to 9,000 or less.

The third and final shipment sale is due momentarily. The Committee is again heeding a Liquor Commission suggestion and sales restrictions are being lifted. The Committee had geared its bottle handling to insuring that New Hampshire citizens were first served, before collectors could hog them for resale at fancy prices. And this policy now appears to have been fulfilled.

The Committee sponsored the chiseling of a proud boast beside the State House front entrance. For a \$200 fee, a carver cut the following enduring words into the building:

“The Nation’s Oldest State House  
In Which the Legislature Still  
Occupies Its Original Chambers.”

Finally, the souvenir bottle has produced a windfall of profit far beyond the most optimistic anticipation.

When the last shipment is disposed of, it is assured that \$183,000 of gross profit will have been poured into the state till from this historic bottle. This comprises \$86,000 of revenue for the Sesqui project, in addition to a handsome \$97,000 of gross income realized by the Liquor Commission for handling the 27,000 bottles.

In setting a \$14.90 retail price per bottle, the Sesqui Committee allowed for a \$3.20 profit for its project, on top of the Liquor Commission’s regular markup.

The Committee has spent most of the \$10,000 allotment. So this leaves a net profit of \$76,000 for the Commission, which by law goes into the special Legislative Appropriation, while the Liquor Commission’s profits go into the General Fund.

What the Legislature does with the special fund of \$76,000 produced by the State House from its own Sesqui celebration

remains for the future to determine. But it appears in order to share some thinking on the subject which has developed out of the Committee's experience.

The 1967 Legislature set up a \$16,500 appropriation to finance a history of the General Court and this project is still in progress. So it might seem appropriate to cancel that charge against the General Fund and let the State House souvenir bottle profits finance the book.

In addition, this \$76,000 historic nest egg might well become a fiscal foundation for financing New Hampshire's participation in the nation's observance of the Bicentennial of the Declaration of Independence, and the American Revolution of 1775-83.

This Legislature has created a 25-member commission, with a \$3,000 initial appropriation, to start planning for that patriotic observance. It is also charged with preparing celebrations for New Hampshire's pioneering in that revolt to create our present democracy, as centered in the largest Legislature in the land.

Out of the Sesqui Committee's experience has also materialized a fresh idea to help our commission handling the American Revolution Bicentennial finance its work without asking taxpayers to do so. This is another souvenir bottle which could easily be geared to some \$175,000 of net profits, in 1973, which will be the 350th anniversary of the first settling of New Hampshire.

And one final suggestion. When the next Legislature convenes in 1971, it will mark the 50th anniversary of women sitting as legislators. New Hampshire women have made their mark in this half century of such stewardship. So it might be appropriate to plan at least a modest celebration of this milestone in Granite State history.

Leon W. Anderson,  
Secretary,  
State House Sesquicentennial Committee.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

## LATE SESSION

Third reading and passage by House

HB 18, relative to the burden of proof relating to comparative negligence.

HB 24, allowing members of the general court to work at the race track on nonlegislative days.

## RECONSIDERATION

Rep. Vachon, having voted with the majority, moved reconsideration of the action of the House in its passage of HB 24 and spoke against the motion.

Motion lost.

## COMMITTEE ASSIGNMENT

Representative Gail Bower is appointed to the Ways and Means Committee.

Rep. Angus moved that the House adjourn at 11:33 A.M.  
Adopted.

---

*Wednesday, 1 Apr 70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

ALMIGHTY GOD, our Heavenly Father, look with grace upon the leaders of our "Granite State" as they face the trials of leadership and the responsibilities of government. Grant unto the Members of this House: patience, insight, understanding, and courage to make decisions which can have Thy blessing. May our endeavors prove us to be the champions of the people, guardians of liberty, and preservers of justice. As we exercise the various responsibilities of our several offices, may Thy Guiding Presence ever direct us in the light of Truth. So bless our State and Nation in the quest for peace and the deliverance from evil. Amen.

Rep. Griffin led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. James Allen was granted leave of absence for the day on account of important business.

Rep. Anthony T. Randall was granted leave of absence for the day on account of illness.

## SENATE MESSAGE

Concurrence by the Senate on

HB 24, allowing members of the general court to work at the race track on non-legislative days.

## ENROLLED BILLS COMMITTEE REPORT

HB 24, allowing members of the general court to work at the race track on non-legislative days.

Roxie Forbes, for committee

Accepted.

## COMMITTEE REPORTS

## HJR 5

relative to reimbursement to the Lebanon school district for snow damage to the Lebanon senior high school. Rep. Drake for Appropriations. Inexpedient to legislate because Resolution was withdrawn by the sponsor.

Resolution adopted.

## HJR 2

establishing a commission to recommend changes in the councilor districts. Rep. Frizzell for Judiciary. Ought to pass with amendment.

## AMENDMENT

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

There is hereby established a commission to study and to make recommendations relative to redistricting the five councilor districts based on the 1970 federal census that they may conform to all statutory requirements. Said commission shall be composed of nine members. The

speaker of the house shall appoint five members of the house of representatives, of whom at least two shall be members of the minority party; and the president of the senate shall appoint three members of the senate, of whom at least one shall be a member of the minority party. Of the members appointed by the speaker of the house of representatives and the president of the senate, there shall be at least one and not more than two members from each councilor district. The governor's council shall appoint one member of the said commission. To accomplish its purposes as provided herein the commission shall have full authority to accept any available assistance in its work and to employ such assistants as it may deem necessary and shall have full power and authority to request information from all governmental departments and agencies. Further, the said commission is hereby authorized to apply for and receive for expenditure for the purposes of this resolution any federal or private gifts or grants as the same may become available and such private funds when received shall be deemed a contribution to the state for a public purpose within the meaning of any federal or state laws relative to tax exemptions. It shall make a report of its findings and recommendations to the general court not later than January 15, 1971.

Amendment adopted.

Ordered to third reading.

#### **SB 15**

validating the marriage of Alfred and Marie-Anne Langlois. Rep. Theriault for Judiciary. Ought to pass.

Ordered to third reading.

#### **HB 5**

transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital. Rep. Cleon Heald for Public Health, Welfare and State Institutions. Ought to pass with amendment.

### **AMENDMENT**

Amend RSA 138-A:4 as inserted by section 1 of the bill, by striking out in lines five and six the words "with

the approval of the commissioner of health and welfare" so that said section as amended shall read as follows:

138-A:4 Charges for Care. The charges for the support of the residents of the New Hampshire Home for the Elderly and the tuberculous patients in hospitals or nursing homes as contracted for pursuant to RSA 138-A:8 who are able to pay for their care and treatment shall be fixed by the director, division of public health services.

Amendment adopted.

Ordered to third reading.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills be read by title only; resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

#### LATE SESSION

Third reading and passage by House

HJR 2, establishing a commission to recommend changes in the councilor districts.

SB 15, validating the marriage of Alfred and Marie-Anne Langlois.

HB 5, transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital.

Rep. Frizzell moved adjournment at 11:13 A. M. in honor of Rep. Margaret Griffin's birthday.

Adopted.



*Thursday, 2Apr70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

O LORD GOD ALMIGHTY, Creator of all things, we humbly acknowledge Thy supreme sovereignty. We know that most of our sufferings are caused by human pride and a consequent transgression of Thy "eternal laws" revealed so long ago to mankind. So enable the Members of this House such enlightenment to sense the dangers to our civilization and to steer the right course amid the conflicting ideals of this age. Help us to maintain true justice in our thoughts, in our deliberations, and in our actions. This we ask in the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

Rep. MacDonald led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Gilman and Anthony Randall were granted leave of absence for the day on account of illness.

Reps. Churchill, Ellms, Halvorson and Schwaner were granted leave of absence for the day on account of weather conditions.

#### RESOLUTIONS

Rep. McMeekin offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 48, 49 and 50 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970. (Roberts of Belknap Dist. 6 — To Statutory Revision.)

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton. (Higgins of Grafton Dist. 2 — To Statutory Revision.)

HB 50, relative to the firemen's retirement system. (Raiche of Hillsborough Dist. 34, Nixon of Hillsborough Dist. 5 — To Appropriations.)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled Senate Bill:

SB 15, validating the marriage of Alfred and Marie-Anne Langlois.

Roxie A. Forbes  
For the Committee

Accepted.

### COMMITTEE REPORTS

#### HJR 4

naming the David Wayne Hildredth Dam. Rep. Ellms for Agriculture. Ought to pass.

Ordered to third reading.

#### HB 33

clarifying the statute relative to management-employee relations at the University of New Hampshire. Rep. Drabinowicz for Executive Departments and Administration. Ought to pass.

Ordered to third reading.

#### HB 29

relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon. Rep. Hanson for Municipal and County Government. Ought to pass.

Ordered to third reading.

#### HB 19

providing that the water supply and pollution control commission shall be the sole authority to prohibit bathing at public bathing areas due to pollution levels. Rep. Harold Drew for Public Health, Welfare and State Institutions. Inexpedient to legislate.

Rep. deBlois moved that the words "ought to pass" be substituted for the report of the committee. Inexpedient to legislate and spoke in favor of the motion.

(discussion ensued)

Reps. Harold Drew and Roma Spaulding spoke against the motion.

Rep. Greenwood spoke in favor of the motion.

Motion lost.

Resolution adopted.

Rep. Nyberg requested a quorum count.

267 members having answered the call a quorum was declared present.

### PARLIAMENTARY INQUIRY

Reps. Raiche and deBlois rose on a point of parliamentary inquiry.

The Speaker ruled, since the House was in the process of voting, HB 19 could not be laid on the table or made a special order. It was within the Speaker's right to declare a brief recess.

### RECESS

Rep. Lawton requested a division.

162 members having voted in the affirmative and 109 in the negative, the committee report was accepted.

### HB 13

relative to the Central New Hampshire Turnpike, and making an appropriation therefor. Rep. Fortier for Public Works. Ought to pass with amendment.

### AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective date. This act shall take effect upon passage.

Amendment adopted.

Under the Rules the Speaker referred HB 13 to Appropriations.

**HB 40**

directing the reconstruction of the Taylors Falls bridge. Rep. Raymond for Public Works. Inexpedient to legislate.

Rep. Bouchard moved that HB 40 be sent to a special study committee of ten to be appointed by the Speaker, to be reported back to the House by January 10, 1971.

Rep. Keeney moved that HB 40 be indefinitely postponed and spoke in favor of the motion.

(discussion ensued)

Reps. Trowbridge, Wallin, Belcourt and Cares spoke against the motion.

Reps. Stevenson, Bednar and Coutermarsh spoke against the motion.

Rep. MacKenzie moved the previous question and it was sufficiently seconded.

The question being, shall the main question now be put to limit debate.

Adopted.

The question now being shall HB 40 be indefinitely postponed.

Motion lost.

Motion to send HB 40 to a special study committee adopted.

**HB 12**

repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. Rep. McMeekin for Statutory Revision. Inexpedient to legislate.

Rep. Russell Chase moved the reference be changed from Statutory Revision to Municipal and County Government.

Rep. McMeekin stated he had no objection to the change.

Adopted.

**HB 20**

prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age. Rep. McMeekin for Statutory Revision. Ought to pass.

Ordered to third reading.

**COMMUNICATION**

April 2, 1970

Hon. C. R. Trowbridge  
Chairman, House Committee on Public Works

Dear Chairman Trowbridge:

It is requested that the House Committee on Public Works hold a public hearing to determine whether it would be in the best interests of the people of the State of New Hampshire to accelerate the reconstruction of Route 16 from Rochester to Berlin or to extend the Spalding Turnpike to Berlin.

It is further requested this matter be posted for hearing as soon as possible in order that the necessary legislation may be introduced in the present special session of the General Court for consideration.

Widest possible dissemination of the notice of this hearing is suggested.

Sincerely yours,

s/ Marshall W. Cobleigh  
Speaker of the House

Rep. Drake moved that the rules be so far suspended as to dispense with the requirement of a public hearing by the appropriations committee on any bill referred to it on which a public hearing has been previously held by another committee.

The Clerk read the motion in full.

Rep. Drake explained his motion.

(discussion)

Adopted.

Rep. Bouchard offered the following House resolution.

*Whereas*, the continuing epidemic of aircraft piracy constitutes a grave hazard to aircraft personnel and passengers, and

*Whereas*, several associations affiliated with America's air transport industry recommend the enactment of international laws to cope with this emergency, now, therefore, be it

*Resolved*, by the House of Representatives of the State of New Hampshire

That the House of Representatives of the state of New Hampshire expresses its solicitude and concern that aircraft hijacking has become so prevalent, and recognizing that the resolution of this problem rests exclusively with the federal government respectfully requests the members of the New Hampshire congressional delegation support legislation and/or international agreements which will provide a deterrent to aircraft pirating, and that the Secretary of State forward copies of this resolution to each member of Congress from this state.

Adopted.

## RESOLUTIONS

Reps. Huggins, Marsh and Noyes offered the following resolutions.

*Whereas*, we have learned with regret of the death of Fred Scott, former Representative from Pittsburg, and

*Whereas*, Mr. Scott served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

The Clerk read the resolution in full.

Adopted.

## UNANIMOUS CONSENT

Reps. Bradley and deBlois requested unanimous consent to address the House. Consent granted.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit business at the late session to be in order at the present time, bills to be read by title only; resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

### LATE SESSION

Third reading and passage by House.

HJR 4, naming the David Wayne Hildreth Dam.

HB 33, clarifying the statute relative to management-employee relations at the univeristy of New Hampshire.

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon.

HB 20, prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age.

Rep. Vachon moved adjournment at 1:08 P.M.

---

*Tuesday, 7Apr70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

ALMIGHTY GOD, our Heavenly and Infinite Father; together, with Thee and with one another, we share in this moment of personal and spiritual reinforcement. Because of our need, our desire to do our best, we turn to Thee who art greater than any crisis —reinforce our spirits, fortify our minds, and empower us with truth; that we may contribute what we can, endure what we must, and still continue to build a better world. We would pray for peace, enable us to bring order out of chaos, to relieve the suffering world of broken dreams with its false hopes and promises. May we be guided by Thy Truth, supported by Thy Love, and empowered by Thy Redeeming Grace. Fit us for the work we have to do this day and may all that we do please Thee. Amen.

Rep. Chamberlin led the Pledge of Allegiance.

The Speaker introduced Mrs. Grace Morrill, mother of deceased Rep. Morrill as a guest of the House.

### Memorial Service

SCRIPTURE READING — Psalm 90 (excerpts 1-2, 4-6, 12, 16-17)

Lord, thou hast been our dwelling place in all generations.

Before the mountains were brought forth, or ever thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God.

For a thousand years in thy sight are but as yesterday when it is past, and as a watch in the night.

Thou carriest them away as with a flood; they are as a sleep; in the morning they are like grass which groweth up.

In the morning it flourisheth, and groweth up; in the evening it is cut down and withereth.

So teach us to number our days, that we may apply our hearts unto wisdom.

Let thy work appear unto thy servants, and thy glory unto their children.

And let the beauty of the Lord our God be upon us: and establish thou the work of our hands upon us; yea, the work of our hands establish thou it.

PRAYER — In nomine Patris, et Filii, et Spiritus Sancti. Amen.

"We seem to give them back to you, O LORD, who first gave them to us. Yet as you did not lose them in giving, so we do not lose them by their return. Not as the world gives do you give, O Lover of souls. What you give you do not take away, for what is yours is ours also if we belong to you. And life is eternal and love is immortal, and death is only a horizon, and a horizon is nothing save the limit of our sight. Lift us up, strong Son of God, that we may see further; cleanse our eyes, that we may see more clearly; draw us closer to yourself that we may know ourselves to be nearer our loved ones who are with you. And while you prepare a place for us, prepare us also for



that happy place, that where you are we may be also forevermore. Amen.”\*

(\* — *The Book of Catholic Worship*, 1966)

Mr. Speaker — Honorable Members of the House of Representatives — The mystery of life has united us in a common bond of fellowship and in the common cause of service. We would this day honor the memory of those who, having received the Divine Summons of their Creator, no longer sit with us in this “House of Democracy”. In times of sorrow we often speak with symbols, therefore we find before us this floral centerpiece flanked with candles. The “flowers” symbolize the beauty of lives dedicated to public service. The “lighted candles” symbolize the lives of those who are absent in the body but present in the spirit, those whom we hold in memory and honor today.

Mr. Speaker, with your permission, I would instruct the Assistant Clerk to light these candles — after which I would instruct the House Clerk to proceed with the MEMORIAL ROLL CALL.

#### HILLSBOROUGH COUNTY:

Dist. No. 2 — David A. Sterling (May 15, 1969) Hillsborough.

Dist. No. 22 (Nashua, Ward 9) — John H. LaTour (Oct. 18, 1969) Nashua.

Dist. No. 33 (Manchester, Ward 7) — Albina S. Martel (Mar. 13, 1969) Manchester.

Dist. No. 34 (Manchester, Ward 8) — Alphonse L. Bernier (June 15, 1969) Manchester. Eugene Delisle, Sr. (Dec. 2, 1969, Manchester.

Dist. No. 36 (Manchester, Ward 10) — Alfred A. Bergeron (Nov. 17, 1968) Manchester.

Dist. No. 39 (Manchester, Ward 13) — Hector J. Rousseau (Sept. 14, 1969) Manchester.

#### MERRIMACK COUNTY:

Dist. No. 27 (Concord, Ward 8) — Donald J. Welch (May 15, 1969)

## ROCKINGHAM COUNTY:

Dist. No. 7 (Salem) — Roy Morrill (Sept. 16, 1969)

Dist. No. 26 (Portsmouth, Ward 3) — Clayton E. Osborn  
(July 14, 1969)

Dist. No. 27 (Portsmouth, Ward 4) — Julia H. White  
(June 9, 1969)

Francis W. Tolman, Clerk of House, (Nelson) March 28,  
1969.

## MOMENT OF SILENCE

MEMORIAL PRAYER: — ALMIGHTY GOD, our Heavenly Father, with whom are the issues of life and death, we have come together to honor the memory of our brethren who have gone before us. We thank Thee for the testimony of their lives, for the qualities of their service, and their determination to preserve both justice and freedom. Though they walk no more in our midst, their spirits are with us to encourage and strengthen us in our daily labors. May their dreams of a better world and a larger brotherhood live again in us. Fill our lives with Thy Presence, O LORD, that in our service to Thee and our fellows, we may see the prelude to the more abundant life in Thy Eternal Kingdom, Consecrate us anew with true charity, that justice and freedom may abound by our responsible action, and that we continually adhere to the higher demands of brotherly love and fidelity — to the honor and glory of Thy Son Jesus Christ, who taught us to pray . . . (The Lord's Prayer).

TRINITARIAN BENEDICTION . . . "The grace of the Lord Jesus Christ, and the love of God, and the communion of the Holy Spirit, be with you all. Amen."

Rep. Vachon moved that the Memorial Service be printed in the Journal and a copy be forwarded to the deceased members families.

Adopted.

## LEAVES OF ABSENCE

Rep. Dubois was granted leave of absence for the day on account of illness.

Rep. Maloomian was granted leave of absence for the day on account of illness in the family.

Rep. Bodge was granted leave of absence for the week on account of illness.

Rep. Lila Chase was granted leave of absence for the day on account of important business.

Rep. Lavallee was granted leave of absence for the day on account of illness.

Rep. Gile was granted leave of absence for the Special Session.

## RESOLUTION

Rep. McMeekin offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 51, 52, 53 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years June 30, 1970 and June 30, 1971 (Goff of Merrimack Dist. 9, Trowbridge of Cheshire Dist. 4 — To Appropriations.)

HB 52, reducing the sales charge on sweepstakes tickets sold in state liquor stores. (Trowbridge of Cheshire Dist. 4 — To Statutory Revision.)

HB 53, relative to sick leave for employees of the city of Manchester. (Raiche of Hillsborough Dist. 34, Carrier of Hillsborough Dist. 27, Zachos of Hillsborough Dist. 27 — To Manchester Delegation.)

Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading & reference

SB 5, relative to examination and educational requirements of physicians. To Public Health.

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars. To Municipal and County Government.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation. To Agriculture.

SB 32, relative to the Cooperative School District No. 1 of the town of Derry. To Education.

### COMMITTEE REPORTS

#### HB 11

establishing a state personnel merit rating system. Rep. Dudley for Constitutional Revision. Ought to pass with amendment.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Appropriation. The sum of \$4,500.00 is hereby appropriated to the state personnel commission to implement section 1 of this act for the fiscal years ending June 30, 1970 and June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Under the Rules the Speaker referred HB 11 to Appropriations.

#### HB 2

increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor. Rep. Scamman, Jr. for Executive Departments and Administration. Ought to pass with amendment.

#### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### An Act

increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor and relative to the adjustment of salaries for unclassified employees.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salaries Increased. Amend RSA 99:1 (supp) as amended by 1957, 274:1; 1961, 221:1, 1965, 73:1; 1967, 353:1; 1969, 500:1 by striking out said section and inserting in place thereof the following: 99:1 Salaries Established. The salary ranges for all classified employees shall be established retroactive to April 1, 1970 as follows:

## Salary

Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	4005.82	4122.56	4238.26	4355.00	4470.44
2	4112.68	4228.64	4344.08	4459.52	4575.22
3	4218.76	4334.20	4448.60	4564.04	4679.74
4	4287.14	4436.90	4589.52	4768.66	4958.98
5	4429.36	4620.46	4839.64	5058.82	5278.00
6	4604.08	4823.26	5042.70	5261.88	5481.06
7	4836.00	5090.02	5344.30	5598.06	5852.08
8	5039.06	5293.08	5553.08	5801.12	6055.14
9	5241.86	5496.14	5750.16	6004.18	6258.20
10	5450.64	5699.20	5953.22	6212.44	6553.56
11	5647.98	5902.25	6166.68	6544.98	6922.76
12	5943.60	6299.80	6656.00	7012.10	7368.40
13	6133.40	6531.20	6934.20	7334.60	7735.00
14	6528.80	6944.60	7360.60	7776.60	8192.60
15	6890.00	7321.60	7753.20	8187.40	8619.00
16	7129.20	7579.00	8028.80	8476.00	8928.40
17	7371.00	7839.00	8304.40	8769.80	9235.20
18	7724.60	8218.60	8712.60	9206.60	9700.60
19	8078.20	8598.20	9120.80	9643.40	10163.40
20	8444.80	8967.40	9492.60	10017.80	10543.00
21	8811.40	9339.20	9867.00	10392.20	10920.00
22	9284.60	9893.00	10501.40	11107.20	11718.00
23	9755.20	10387.00	11018.80	11648.00	12282.40
24	10225.80	10881.00	11536.20	12191.40	12846.60
25	10998.00	11707.80	12415.00	13122.20	13832.00
26	11375.00	12097.80	12823.20	13546.00	14268.80
27	11752.00	12490.40	13228.80	13967.20	14708.20
28	12149.80	12927.20	13704.60	14482.00	15259.40
29	12550.20	13364.00	14180.40	14994.20	15810.60
30	12950.60	13803.40	14656.20	15509.00	16364.40
31	13028.20	14814.80	15701.00	16590.60	17479.80
32	14905.80	15828.80	16749.20	17672.20	18595.20
33	16094.00	17110.60	18127.20	19141.20	20157.80
34	17284.80	18392.40	19502.60	20610.20	21720.40

2 Appropriations. Amend Laws of 1969, 500:3 by striking out said section and inserting in place thereof the

following: 500:3 Appropriations. There are hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for classified state employees as provided for herein, the following sums: \$1,771,726.00 from the general funds of the state, \$1,000,713.00 from highway funds, \$91,426.00 from fish and game funds, \$305,207.00 from federal funds, \$58,716.00 from self-sustaining funds and \$42,836.00 from recreation funds. For the fiscal year ending June 30, 1971 there are hereby appropriated the following sums: \$3,402,625.00 from general funds of the state, \$1,939,133.00 from highway funds, \$175,113.00 from fish and game funds, \$595,437.00 from federal funds, \$108,051.00 from self-sustaining funds and \$79,868.00 from recreation funds.

3 Appropriations for Temporary and Seasonal. Amend Laws of 1969, 500:4 by striking out said section and inserting in place thereof the following: 500:4 Appropriations for Temporary and Seasonal. There is hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for temporary and seasonal employees as provided herein the following sums: \$104,580.00 from general funds of the state; \$71,299.00 from highway funds, \$11,994.00 from self-sustaining funds and \$1,875.00 from fish and game funds. For fiscal year ending June 30, 1971 there are hereby appropriated for said salary increases the following sums. \$212,222.00 from general funds of the state, \$144,622.00 from highway funds, \$24,340.00 from self-sustaining funds, and \$3,805.00 from fish and game funds.

4 Change in Date. Amend RSA 99:3 (supp) as amended by 1957, 274:2; 1961, 221:2; 1965, 73:2; 1967, 353:4 and 1969, 500:5 by striking out said section and inserting in place thereof the following: 99:3 Increase in Salary. Classified employees of the state as of April 1, 1970 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scale set forth in RSA 99:1. The provision hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

5 Repeal. RSA 99:1-a as inserted by 1969, 500:2 relative to establishing salary ranges commencing on June 26, 1970 is hereby repealed.

6 Fiscal Committee. Amend RSA 94:3-b (supp) as inserted by 1969, 500:16 by inserting in line three after the word "authority" the words (approved by the fiscal committee of the general court) so that said section as amended shall read as follows: 94:3-b Salary Adjustment for Recruitment or Retention. Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority approved by the fiscal committee of the general court, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

7 Effective Date. Sections 1, 2, 3, 4 and 5 shall take effect retroactive to April 1, 1970 and section 6 shall take effect upon passage.

Rep. Shirley Clark explained the amendment at the request of Rep. Newell.

(discussion)

Rep. Trowbridge spoke for the Governor in favor of HB 2.

#### PARLIAMENTARY INQUIRY

Rep. Saunders rose on a point of parliamentary inquiry.

Rep. Trowbridge yielded to Rep. Shirley Clark to answer questions.

#### PARLIAMENTARY INQUIRY

Rep. Stevenson rose on a point of parliamentary inquiry.

Rep. deBlois spoke in favor of the bill.

Amendment adopted.

Under the Rules the Speaker referred HB 2 to Appropriations.

#### HB 14

relative to the sale of subdivided land. Rep. Andrews for Judiciary. Ought to pass with amendment.

#### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:



1 Subdivision of Land. Amend RSA 36:27 (supp) as amended by 1963, 163:3 and 1969, 185:1 by striking out said section and inserting in place thereof the following: 36:27 Penalties for Transferring Lots in Unapproved Subdivisions. Any owner, or agent of the owner, of any land located within a subdivision in a municipality that has adopted subdivision regulations, who transfer or sells any land, before a plat of the said subdivision has been approved by the planning board and recorded or filed in the office of the appropriate register of deeds shall forfeit and pay a penalty of five hundred dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action the prevailing party may recover reasonable court costs and attorneys fees as same may be ordered by the court.

Rep. Zachos explained the amendment at the request of Rep. Bradley.

(discussion)

Rep. Bednar moved that HB 14 be indefinitely postponed and spoke in favor of the motion.

Reps. Andrews, Sayer and O'Neil spoke against the motion.

Rep. O'Neil yielded to Rep. Zachos to answer questions.

Rep. Healy spoke against the motion.

Rep. MacKenzie moved the previous question and it was sufficiently seconded.

Adopted.

Motion for indefinite postponement lost.

Amendment adopted.

Ordered to third reading.

### SB 13

relative to the practice of law by professional associations.  
Rep. Record for Judiciary.

Ought to pass.



Rep. Zachos explained the bill at the request of Rep. Bednar.

(discussion)

Ordered to third reading.

### **HB 36**

permitting oversize mobile homes and construction equipment up to fourteen feet to be moved over the highways. Rep. Hamel for Transportation. Inexpedient to legislate; subject matter covered by previous legislation.

Rep. Kenneth Spalding explained the reasons for the committee report and spoke in favor.

Resolution adopted.

### **HB 27**

imposing a tax on the profit from the transfer of land. Rep. McLane for Ways and Means. That it be referred to the Committee to study the economic impact of classification of land.

Resolution adopted.

## **RESOLUTION**

Rep. McMeekin moved suspension of Rules, to permit introduction of Committee reports without prior listing in the Journal.

Adopted, by necessary two-thirds vote.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen. Rep. McMeekin for Statutory Revision Ought to pass.

Ordered to third reading.

HB 45, to legalize certain meetings of Rye Beach Village District. Rep. McMeekin for Statutory Revision. Ought to pass.

Ordered to third reading.

HB 46, to legalize the 1969 town meeting in the town of Hampton. Rep. McMeekin for Statutory Revision. Ought to pass.

Ordered to third reading.

HB 47, legalizing the annual town meeting of March 10, 1970, in the town of Hudson. Rep. McMeekin for Statutory Revision. Ought to pass.

Ordered to third reading.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970. Rep. McMeekin for Statutory Revision. Ought to pass.

Ordered to third reading.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton. Rep. McMeekin for Statutory Revision. Ought to pass.

Ordered to third reading.

### RESOLUTION

Resolution offered by the Journal Committee:

*Whereas*, when the House Journal for the 1969 session was printed the record for February 25 was omitted by mistake, now therefore be it

*Resolved*, That the record for said day is hereby included in the journal record for the 1970 session, which said 1969 record read as follows:

Tuesday, February 25, 1969

### HOUSE JOURNAL

State of New Hampshire

The House met at 11:00.

(Rep. MacKenzie in chair)

Rep. Morrill moved that the House adjourn until Wednesday, February 26 at 11:00 A.M., that all scheduled hearings for today be cancelled and be rescheduled by the Chairmen, and that the calendar for today be the first order of business for Wednesday, February 26, 1969.

Rep. Coutermarsh spoke in favor of the motion.

Motion adopted.

On motion of Rep. Coutermarsh the House adjourned at 11:05 A.M.

The Clerk read the resolution in full.

Adopted.

### COMMUNICATION

Dear Mr. Street:

Words cannot express my sincere thanks to the members of the General Court and Rep. Vachon for making it possible for me to receive a copy of the resolution on behalf of my husband, Hector Rousseau.

My sincere thanks to all.

Sincerely yours,

Mrs. Hector Rousseau & family

The Clerk read the communication in full.

Rep. Walter O. Bushey of Groveton's telephone number was omitted from the Black Book. It is 636-1046.

### COMMITTEE ASSIGNMENT

Rep. Mann is appointed to the Appropriations Committee in place of Rep. Cone.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills to be read by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

### LATE SESSION

(Rep. O'Neil in the Chair)

Third reading and passage by the House.

HB 14, relative to the sale of subdivided land.

SB 13, relative to the practice of law by professional associations.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen.

HB 45, to legalize certain meetings of the Rye Beach Village District.

HB 46, to legalize the 1969 town meeting in the town of Hampton.

HB 47, legalizing the annual town meeting of March 10, 1970, in the town of Hudson.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton.

Rep. Berkey moved adjournment at 1:00 P.M.

---

*Wednesday, 8Apr70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

ETERNAL GOD, make us mindful today of the many good things in life that are ours — for Thy Truth which does set us free, for Thy Wisdom which guides us when we are in doubt — indeed, we thank Thee for all of life: for struggle and accomplishment, for work and rest, for challenge and confrontation, and for the knowledge that nothing can ever separate us from your magnificent love and care. Let us not succumb to any attitude of fatalism, nor let us ever be satisfied with anything that is less than our very best. Watch over us as we debate and decide upon the issues before us. May this day's work prosper our "Granite State" and effect the common good for all her citizens. Amen.

Rep. Oleson led the Pledge of Allegiance.

(Rep. O'Neil in the Chair)

## LEAVES OF ABSENCE

Rep. Bent was granted leave of absence for the day on account of illness.

Rep. Dubois was granted leave of absence for Wednesday and Thursday on account of illness.

Rep. Urie was granted leave of absence for ten days on account of illness.

## RESOLUTION

Rep. McMeekin offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 54 and 55 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville. (Cummings of Rockingham Dist. 11 — To Statutory Revision.)

HB 55, relative to tax exemption for Nutfield Heights Inc. a community housing project for elderly persons. (Senter of Rockingham Dist. 5 — To Municipal and County Government.)

Adopted.

(Speaker in the Chair)

## ANNOUNCEMENT

The House Rules Committee has approved such variance in the order of consideration of bills scheduled to be reported in today's House calendar as in the Speaker's judgment will most satisfactorily expedite the proceedings of the House. The Rules Committee has further approved any such variance in the order of consideration as the Speaker may determine during the remaining days of the special session which in his judgment will expedite the business of the special session.

## SENATE MESSAGE

Senate concurrence on HB 5,

HB 5, transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital.

### INTRODUCTION OF SENATE BILLS

First, second reading & reference

SB 2, creating the office of director of the budget and making an appropriation therefor. To Appropriations.

SB 3, relative to the governor's staff and employment of a counsel and making an appropriation for the office of the counsel. To Judiciary.

SB 9, relative to the Pierce Brigade Inc. To Appropriations.

SB 21, to clarify the authority of the water supply and pollution control commission. To Resources, Recreation & Development.

### ENROLLED BILLS REPORT

SB 13, relative to the practice of law by professional associations.

Roxie A. Forbes  
For the Committee

Accepted.

### COMMITTEE REPORTS

#### HB 25

to remove certain restrictions on money collected by the board of probation. Rep. George Roberts Jr. for Appropriations. Ought to pass with amendment.

### AMENDMENT

Amend the title of the bill by inserting at the end thereof (and to authorize a service collection charge of five percent) so that said title as amended shall read as follows:

#### An Act

to remove certain restriction on money collected by the board of probation and to authorize a collection service charge of five percent.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Collection of Service Charge. Amend RSA 504 by inserting after section 17 the following new section: 504:18 Service Charge For Collections. In the event that the probation department is ordered to make collection pursuant to RSA 504:16, the department shall add a five percent service charge to be collected from the party from whom they have been ordered to collect, and failure to pay the charge shall be a violation of the court order.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

## HB 8

increasing the amount authorized for state guarantee of municipal bonds for water pollution. Rep. George Roberts, Jr. for Appropriations. Ought to pass with amendment.

### AMENDMENT

Amend House Bill No. 8 by striking out section 1 and inserting in place thereof the following:

1 Municipal Pollution Bonds. Amend RSA 149:5 (supp) as amended by 1957, 213:2; 1961, 182:1; 1963, 167:1; 1966, 3:1, 1967, 148:1; and 1969, 454:1 by striking out in lines five and fourteen the word "seventy-five" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: 149:5 State Guarantee. In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of one hundred million dollars, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such

guarantee. The outstanding amount of principal and interest on such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time exceed the amount of one hundred million dollars. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids, (3) to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in RSA 530.

Amendment adopted.

Ordered to third reading.

#### **HB 31**

relative to the industrial development authority. Rep. Drake for Appropriations. Ought to pass.

Ordered to third reading.

#### **HB 21**

relative to out-of-state tuition charges at the university of New Hampshire. Rep. Drake for Appropriations. Ought to pass.

Rep. Drake explained the bill at the request of Rep. Merrill.

Ordered to third reading.

#### **HB 34**

to enlarge the authority of the New Hampshire Higher Educational Building Corporation. Rep. George Roberts, Jr. for Appropriations. Ought to pass.

Rep. George Roberts explained the bill at the request of Rep. Sweeney.

Ordered to third reading.

#### **HB 22**

relative to the salaries of the Carroll county attorney and the Carroll county treasurer. Rep. Esther Davis for Carroll County Delegation. Ought to pass with amendment.



## AMENDMENT

Amend the title of the bill by inserting at the end thereof (and authorizing counties to establish highway safety programs.) so that said title as amended shall read as follows:

## AN ACT

relative to the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs.

Amend the bill by striking out section 5 and inserting in place thereof the following sections:

5 Local Highway Safety Programs. Amend RSA 239-B:6 (supp) as inserted by 1967, 331:1 by inserting after the word "towns" in lines one and two the word (counties) so that said section as amended shall read as follows: 239-B:6 Local Highway Safety Programs. The towns, counties and cities are hereby authorized to establish highway safety programs. Towns, counties and cities implementing highway safety programs approved by the governor in accordance with the Highway Safety Act of 1966 are eligible for reimbursement of federal funds apportioned to this state for such programs.

6 Effective Date. The provisions of sections 1, 3, and 5 shall take effect sixty days after the passage of this act and the provisions of sections 2 and 4 shall take effect as of January 1, 1971.

Amendment adopted.

Ordered to third reading.

**HB 16**

authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council. Rep. Greene for Education. Ought to pass.

Ordered to third reading.

**HB 6**

providing for consumer protection and making an appropriation therefor. Rep. Martin for Executive Departments and Administration. Ought to pass with amendment.

## AMENDMENT

Amend RSA 358-A:4, I as inserted by section 1 of the bill, by striking out in line one the word "fraud" and inserting in place thereof the word (protection) so that said paragraph as amended shall read as follows:

I. There is hereby established in the office of attorney general a consumer protection division. Said division shall be directed by an assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 7:16 who shall carry out the provision of this chapter under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall also appoint an investigator and such other staff as may be necessary to carry out the provisions hereof within the limits of the appropriation therefor.

Amend RSA 358-A:4, III as inserted by section 1 of the bill, by striking out in line two the words "is being" and inserting in place thereof the words (has been, is being or is about to be) so that said paragraph as amended shall read as follows:

III. Whenever the attorney general has reason to believe that trade or commerce declared unlawful by section 2 hereof has been, is being or is about to be conducted by any person, he may bring an action in the name of the state against such person to restrain by temporary or permanent injunction the use of such trade or commerce. The action may be brought in the superior court of the county in which said person resides or has his principal place of business, or, with the consent of the parties, or if the parties, or if the person is a nonresident and has no place of business within the state, in the superior court of Merrimack county.

Amend RSA 358-A:6 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Any person who knowingly and willingly subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements

with the attorney general for the purposes of effecting prosecution under this act shall be deemed to have committed a misdemeanor and shall be fined not more than fifty dollars.

Amend RSA 358-A:8, VI as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. Use of Information. Any information, testimony, or documentary material obtained under the authority of this section shall be used only in connection with investigations instituted under this chapter or for the prosecution of legal proceedings instituted under this chapter and for no other purpose.

Amend RSA 358-A:10 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

358-A:10 Restitution. Any person who has been defrauded by another person by use of an act or practice declared unlawful by this chapter, may bring an action for restitution against said person for his total loss and in the event of recovery shall be awarded all of his reasonable legal costs and expenses, as approved by the court, plus interest as added by the clerk of court on the amount awarded as restitution computed from the date of institution of said action to date of payment.

Amendment adopted.

Under the Rules the Speaker referred HB 6 to Appropriations.

### HB 30

making appropriations for the treatment and prevention of alcohol and drug abuse. Rep. Record for Judiciary. Ought to pass.

Adopted.

Under the Rules the Speaker referred HB 30 to Appropriations.

### SB 5

relative to examination and educational requirements of physicians. Rep. Cleon Heald for Public Health, Welfare and State Institutions. Ought to pass.

Rep. Cleon Heald explained the bill at the request of Rep. MacDonald.

(discussion)

Ordered to third reading.

### SB 16

relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor. Reps. Coburn and Beauchesne for Public Works. Ought to pass.

Adopted.

Under the Rules the Speaker referred SB 16 to Appropriations.

### HB 17

clarifying tax exemptions on real estate and personal property owned by governmental bodies. Rep. Brocklebank for Ways and Means. Ought to pass.

Rep. Reddy explained the bill at the request of Rep. Brungot.

(discussion)

## PARLIAMENTARY INQUIRY

Rep. Drake rose on a point of parliamentary inquiry.

The Speaker ruled HB 17 would not be referred to Appropriations. Tax bills do not necessarily go to appropriations.

Rep. Maynard offered the following amendment.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment in full.

Rep. Maynard explained his amendment.

Amendment adopted.

Ordered to third reading.

**CA-CR 1**

Relating to: How often the Legislature shall meet. Providing that: The Legislature shall meet annually.

Reps. Frizell and Dudley for the Majority: Ought to pass.

Rep. Healy for the Minority: Inexpedient to legislate.

Rep. Healy moved that the report of the Minority: inexpedient to legislate be substituted for the report of the Majority: Ought to pass and spoke in favor of the motion, he then withdrew his motion.

(discussion)

**PARLIAMENTARY INQUIRY**

Rep. Zachos rose on a point of parliamentary inquiry.

The Speaker stated the motion before the House was on the report of the Majority. Ought to pass.

Reps. Zachos, Raiche, Logan, Frizzell and Coutermarsh spoke in favor of the motion.

(discussion)

Rep. Healy spoke against the motion.

(discussion)

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

The Speaker announced that it would take 239 affirmative votes to pass the Constitutional Resolution.

329 voting in the affirmative and 14 in the negative, the Constitutional Resolution was ordered to third reading.

Rep. Belcourt wished to be recorded as voting against.

Rep. O'Neil moved suspension of the Rules to place CA-CR 1 on third reading and final passage at the present time.

Rep. Newell spoke against the motion.

Rep. Zachos spoke in favor of the suspension of the rules.

The question being to suspend the Rules to place CA-CR 1 on third reading and final passage at the present time.

On a division vote 335 members having voted in the affirmative and 4 in the negative, the motion was adopted by the necessary two-thirds vote.

On a division vote 338 members having voted in the affirmative and 3 in the negative, CA-CR 1 was read a third time and passed.

Rep. Healy wished to be recorded as voting no.

### RECONSIDERATION

Rep. Zachos moved reconsideration of CA CR 1 and spoke against the motion. Motion lost.

### INTRODUCTION OF A RESOLUTION

CA CR 5, Relating to: Amendment of Proposal relative to Art. 15 Part Second of the Constitution. To Judiciary.

Rep. Zachos moved to suspend the Rules to dispense with reference to committee, public hearing and that the Resolution be placed before the House for action at the present time.

Motion adopted by the necessary 2/3 vote.

Rep. Zachos answered questions regarding CA CR 5.

Reps. Bowles and Logan spoke in favor of the resolution.

The question being, shall the resolution be read a third time.

329 members voting in the affirmative and 3 in the negative, the motion was adopted.

Rep. O'Neil moved to suspend the Rules as to place CA CR 5 on third reading and final passage at the present time.

327 members voting in the affirmative and 3 in the negative, the motion was adopted.

338 members voting in the affirmative and 3 in the negative, CA CR 5 was read a third time and passed.

Thirty minute recess

## AFTER RECESS

(Rep. George Roberts in the Chair)

## COMMITTEE REPORTS CONTINUED

**HB 15**

to define jurisdiction over dredge and fill operations in waters and wetlands located in this state. Rep. Claffin for Resources, Recreation and Development. Ought to pass with amendment.

## AMENDMENT

Amend RSA 483-A:4 as amended by section 3 of said bill by inserting after paragraph II the following new paragraph:

III. The use of the marine fisheries fund or the fish and game fund, under paragraph II, shall require a finding that the expenditure will be of substantial benefit to marine fisheries or to fish and wildlife, as the case may be, and the governor and council shall request the prior opinion of the fish and game commission in each such case.

Further amend the bill by striking out section 5 and inserting in place thereof the following new sections:

5 Artificial Fill. Amended RSA 482-41-e as inserted by 1967, 307:1 by striking out said section and inserting in place thereof the following: 482:41-e Artificial Fill. No person, firm or corporation shall place or cause to be placed any fill below the mean high water level of any public waters nor below the artificially created high water level of public owned water bodies in this state with the intent or with the effect of creating or forming filled land thereby adjacent to such water bodies, except as provided in this subdivision. For the purposes of this subdivision, public waters are defined as all natural ponds of more than ten acres. Public owned water bodies are defined as those bodies of water whose artificial high water level is maintained by the state's exercise of its flowage rights on these ponds. The prohibition hereof shall not apply to the state, the federal government, or to municipal corporations, or to their agents acting within the scope of their official duties. However, these excepted entities shall inform the

water resources board of their intent to place fill in public waters. The provisions of this subdivision shall apply to the construction of wharves or piers. The provisions of this subdivision shall not apply to such other minor improvements of shore lines as the water resources board by regulations may allow.

6 Effective Date. This act shall take effect upon its passage.

Rep. Kopperl answered questions at the request of Rep. Greene.

Rep. Greene spoke against the amendment.

(Speaker in the Chair)

Rep. Kopperl spoke in favor of the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

## HB 43

increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing the membership of the state board of fire control and making its functions advisory. Rep. Bigelow for Banks and Insurance. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Limiting Powers and Duties of Board. Amend RSA 153:4 as amended by 1955, 190:7, by striking out said section and inserting in place thereof the following: 153:4 Powers and Duties. The board shall meet with the state fire marshal not less than four times each year. They shall recommend in writing to the state fire marshal, for his approval, or disapproval, such rules and regulations or revision of rules and regulations as the board believes will effectuate the purposes of this chapter. They shall act in a continuing advisory capacity to the state fire marshal on



any other matters pertaining to his duties under this chapter.

Amend section 6 of the bill by inserting in line six after the word "council" the words (from a list of at least three nominees submitted by the state advisory board of fire control) so that said section as amended shall read as follows:

6 Qualifications of State Fire Marshal. Amend RSA 153:7 by striking out said section and inserting in place thereof the following: 153:7 State Fire Marshal. There shall be a state fire marshal who shall be a citizen of this state and shall be technically qualified by training and experience in the prevention, extinguishing and investigation of fires at the time of his appointment. He shall be appointed by the governor and council from a list of at least three nominees submitted by the state advisory board of fire control for an indefinite term, which shall not extend beyond his sixty-fifth birthday. He shall be subject to removal at any time by the governor and council for inefficiency, neglect of duty, or malfeasance in office, after hearing, with reasonable notice in writing of the charges against him. The office of the state fire marshal shall be located in Concord in suitable quarters provided by the state. He shall receive the annual salary prescribed by RSA 94:1-4. Such officer shall devote his entire time to the duties of the office and he shall discharge such duties and responsibilities as are delegated to him by law.

Amendment adopted.

Rep. Merrill moved that HB 43 be referred to the Legislative Study Committee and spoke in favor of the motion.

(discussion)

Rep. Sheldon Barker moved that HB 43 be indefinitely postponed and spoke in favor of the motion.

Reps. Bigelow and Martin spoke against the motion.

Rep. deBlois spoke in favor of the motion.

Rep. Barker withdrew his motion to indefinitely postpone HB 43.

The question now being on the motion to refer HB 43 to the Legislative Study Committee.

Rep. George Roberts spoke against the motion.

(discussion)

Rep. MacKenzie moved the previous question and it was sufficiently seconded.

Adopted.

The question now being on the motion to refer HB 43 to the Legislative Study Committee. Lost.

Ordered to third reading.

### OTHER SENATE MESSAGE INTRODUCTION OF CA-CR 2

First, second reading & reference

CA-CR 2, Relating to: Establishing a Four Year Term for Governor. Providing that: The Governor Shall be Elected Every Four Years on the Nonpresidential Election Years, and no person shall Serve more than Two Terms consecutively. To Joint-Judiciary & Constitutional Revision.

### ENROLLED BILLS REPORT

HB 5, transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital.

Roxie A. Forbes  
*For the Committee*

Accepted.

Rep. O'Neil moved that the Rules of the House be so far suspended as to adjourn from the early session, bills to be read by title only and resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

### LATE SESSION THIRD READING

HB 25, to remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent.

HB 8, increasing the amount authorized for state guarantee of municipal bonds for water pollution.

HB 31, relative to industrial development authority.

HB 21, relative to out-of-state tuition charges at the university of New Hampshire.

HB 34, to enlarge the authority of the New Hampshire Higher Educational Building Corporation.

HB 22, relative to the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs.

SB 5, relative to examination and educational requirements of physicians.

HB 17, clarifying tax exemptions on real estate and personal property owned by governmental bodies.

HB 43, increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing the membership of the state board of fire control and making its functions advisory.

### RECONSIDERATION

Rep. George Roberts, having voted with the majority, moved reconsideration of the passage of HB 43, increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing the membership of the state board of fire control and making its functions advisory, and spoke against the motion.

Motion lost.

### THIRD READINGS CONTINUED

HB 16, authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council.

HB 15, to define jurisdiction over dredge and fill operations in waters and wetlands located in this state.

Rep. Varrill congratulated Rep. Robert Drew, Chairman of the Fish & Game Committee on being back in the House after a long absence of illness and moved adjournment at 3:33 P.M.

*Thursday, 9Apr70*

Guest Chaplain, Rev. Herbert J. Guth from the United Church of Christ, North Hampton, offered prayer.

Almighty God, we come to you on this significant occasion because we know that you are interested in the actions of human beings. When the time comes that some human beings are called upon to make decisions which affect the lives of vast numbers of your children we ask that you will make your spirit felt. It is difficult for anyone to think beyond his own interest or the interest of his family. May these men and women, upon whom the people of the State of New Hampshire have placed a trust and a responsibility, have their minds and hearts stretched to make their decisions only after weighing carefully the welfare of all the people of the State. Amen.

Rep. Cox led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Burleigh was granted leave of absence for the day on account of a death in the family.

Rep. Bent was granted indefinite leave of absence on account of illness.

#### INTRODUCTION OF SENATE BILLS & SJR

First, second reading & reference

SB 8, increasing the salary of the Strafford county attorney. To Municipal and County Government.

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations. To Liquor.

SB 18, authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state. To Statutory Revision.

SJR 1, establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the State of New Hampshire and recommending legislation to implement the same. To Resources, Recreation and Development.

Rep. Bowles requested unanimous consent to address the House; consent granted.

## COMMITTEE REPORTS

### HB 42

relative to the administration of the insurance laws. Rep. Milne for Banks and Insurance. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Amend RSA 402 by inserting after section 57 (supp) the following new sections:

402:57-a General Premium Tax; Report.

I. Every authorized insurer and each formerly authorized insurer shall, on or before March 1 each year, or within any reasonable extension of time therefor which the commissioner may for good cause have granted on or before such date, file with the commissioner a report in such form as prescribed by the commissioner showing all gross direct premiums, including policy, membership, and other fees and assessments received by it during the next preceding calendar year on account of policies and contracts covering property, subjects, or risks located, resident or to be performed in this state (with proper proportionate allocation of premiums as to such persons, property, subjects, or risks in this state insured under policies and contracts covering persons, property, subjects, or risks located or resident in more than one state) after deducting from such total, return premiums or dividends actually returned or credited to policyholders.

(a) As to title insurers, that portion of the premium chargeable to title search and examination services as reasonably determined by the commissioner may be deducted from such total.

II. The report shall be verified by the oath or affirmation of the insurer's president, vice president, secretary, treasurer, or manager.

III. The commissioner may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

IV. Ocean marine premiums written for ocean marine insurance, as defined in RSA 402:59 shall not be taxed in accordance with this section, but shall be taxed in accordance with the provisions of RSA 402:59.

402:57-b. Premium Tax. Collection; Minimum; Penalty.

I. Every insurer, coincidentally with filing of the report required by RSA 402:57-a, shall pay to the insurance commissioner a tax of two percent upon such net premiums and net considerations as set forth in said report less estimated payments made the preceding June 15th. Provided, however, every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of not less than two hundred dollars.

II. On or before June 15, 1970, and on or before June 15 each succeeding year, every authorized insurer required to pay a tax in accordance with paragraphs I and V of this section, shall pay to the insurance commissioner an amount equal to one-half of the previous calendar year's tax paid pursuant to said paragraphs. This payment shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

III. The taxes imposed in the above sections shall be promptly forwarded by the commissioner to the state treasurer to the credit of the general fund.

IV. Any insurer that willfully fails to file the report required by RSA 402:57-a or willfully fails to remit the proper tax within the time for filing, shall pay a penalty equal to ten percent of the amount of the tax due from it. Upon the tax becoming delinquent, the commissioner may forthwith suspend or revoke the insurer's certificate of authority.

V. The tax provided for in this section shall apply to the business of the year commencing January 1, 1970, and each year thereafter. The tax for business of the year end-

ing December 31, 1969, shall be treated in accordance with the law in effect on December 31, 1969.

Further amend the bill by striking out sections 3 through 42 inclusive.

Further amend the bill by renumbering section 43 to read 3.

Further amend the bill by amending RSA 404-B:10, II, (b) by inserting in line six of said paragraph after the word "fine" the following (shall be paid to the association and) so that said paragraph as amended shall read as follows:

(b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall be paid to the association and shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than one hundred dollars per month.

Further amend the bill by striking out section 44 and inserting in place thereof the following new sections:

#### 4 Repeal.

I. RSA 402:57 (supp) as amended by 1969, 366:5 relative to fire, etc., insurance companies is hereby repealed.

II. RSA 402:61 relative to tax on life insurance companies is hereby repealed.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### HB 3

establishing an office of community affairs and making an appropriation therefor. Rep. Drabinowicz for Executive Departments and Administration. Ought to pass with amendment.



## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Office Established. Amend RSA by inserting after 4:12-a (supp) the following new sections:

5:12-b Public Policy. It is hereby declared to be the public policy of this state, and the purpose of RSA 4:12-c through i, to establish a state agency to aid the political subdivisions of this state meet the significant problems they are presented with as a result of raising costs, rapid growth, and increasing governmental complexities by providing them with assistance in fiscal matters, including the procurement of federal aid, community planning and economic development, the planning and development of housing for low and moderate income groups, and the encouragement of cooperative efforts among towns, cities and political subdivisions of the state.

412-c Definitions. As used in RSA 4:12-d through i, the following words shall have the following meanings unless the context clearly indicates otherwise.

I. "Director" shall mean the director of the office of community affairs.

II. "Municipality" shall mean any political subdivision of this state, including but not limited to counties, cities, towns, school districts, village districts, and regional planning commissions.

4:12-d Director of Community Affairs. There is hereby established within the office of the coordinator of federal funds the position of a director of community affairs.

4:12-e —Appointment, Term. The director shall be appointed by the coordinator of federal funds with the approval of the governor. He shall serve at the pleasure of the governor and until his successor is appointed and qualified.

4:12-f —Qualifications. The director shall be a citizen of the United States and shall be sufficiently qualified by training and experience as to local government to direct the work of such office.



4:12-g —Salary. The director of community affairs shall be compensated as provided in RSA 94.

4:12-h —Personnel. The director shall employ such personnel and prescribe their duties as the governor may authorize within the limits of the appropriation made therefor.

4:12-i Director's Duties. The director of community affairs shall have the following functions and duties:

I. To cooperate with and provide technical and financial assistance to municipalities for the purpose of aiding and encouraging an orderly development of the state and to strengthen local planning responsibilities.

II. To encourage and, when requested, assist the efforts of municipalities to develop mutual and cooperative solutions to their common problems in order to increase the quality and reduce the cost of public services supplied at the local level.

III. To advise and assist municipalities with housing programs for middle and low income groups, urban renewal, building codes, and other programs related to housing needs.

IV. To consult with and assist municipalities with fiscal matters, including but not limited to the procurement of federal aid.

V. To serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities.

VI. To provide such other assistance to municipalities as the governor and coordinator of federal funds may direct.

2 Compensation. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 by inserting in proper alphabetical order a line reading as follows:

Director, office of community affairs	10,600	12,400
---------------------------------------	--------	--------

3 Appropriation. There is hereby appropriated the sum of twenty thousand, five hundred dollars for fiscal year 1971 to be expended by the governor for the purposes of this act as follows:

Director, office of community affairs		11,500
Other permanent personnel		5,000
Equipment		1,500
Current expenses		1,000
Travel		
In state	1,200	
Out of state	300	1,500
	<hr/>	<hr/>
Total		20,500

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1970.

Amendment adopted.

Under the Rules the Speaker referred HB 3 to Appropriations.

## HB 7

to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony. Rep. Buckman for Judiciary. Ought to pass with amendment.

## AMENDMENT

Amend RSA 318:56 as inserted by section 1 of the bill by striking out in line two the word "narcotic" and inserting in place thereof the word (controlled) and by striking out in line two the word "subcutaneous" so that said section as amended shall read as follows:

318:56 Hypodermics. Hypodermic syringes, needles or any instrument adapted for the administration of controlled drugs by injection shall not be sold except in registered drug stores. They shall not be delivered or sold to, or exchanged with, any person except a pharmacist, dentist, physician, veterinarian, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, nurse upon the written order of a physician or dentist, a person who has re-

ceived a written prescription issued under section 57, a podiatrist, or an employee of a hospital or scientific institution upon the written order of its superintendent or officers in immediate charge.

Amend RSA 318:57, I, as inserted by section 1 of the bill by inserting after the word "patient" the words (and the date of the prescription) so that said paragraph as amended shall read as follows:

I. Name and address of the patient, and the date of the prescription.

Amend the introductory phrase of RSA 318:58 as inserted by section 1 of the bill by inserting in line one after the word "duty" the word (of) so that said phrase as amended shall read as follows:

318:58 Duty of Pharmacist. It shall be the duty of each pharmacist selling instruments described in section 56 of this act to comply with the following requirements:

Amend RSA 318:58, II, as inserted by section 1 of the bill by inserting in line three after the word "prescription" the words (and unless the instrument to be replaced is received by the pharmacist) so that said paragraph as amended shall read as follows:

II. No prescription shall be refilled beyond one year from the date of the prescription unless the prescribing physician, dentist or veterinarian indicates otherwise on the prescription, and unless the instrument to be replaced is received by the pharmacist.

Amend RSA 318:58, III, as inserted by section 1 of the bill by inserting in line one after the word "recorded" the words (and preserved in conformity with the provisions of RSA 318-B:12) so that said paragraph as amended shall read as follows:

III. All sales of instruments described in section 56 shall be recorded and preserved in conformity with the provisions of RSA 318-B:12 and shall contain the following:

Amend RSA 318:58, IV, as inserted by section 1 of the bill by striking out in lines three and four the words

(and to all law enforcement authorities and officers whose duty it is to enforce the narcotic drug laws) so that said paragraph as amended shall read as follows:

IV. The information contained in paragraph III shall be at all times open to inspection by the division of public health in the department of health and welfare.

Amend RSA 318:60 as inserted by section 1 of the bill by striking out in line three the word "narcotic" and inserting in place thereof the word (controlled), by striking out in line three the word "subcutaneous" and by inserting in line eleven after the word "articles" the words (during the official performance of his duties) so that said section as amended shall read as follows:

318:60 Possession. No person shall have in his possession a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled drugs by injection, except a physician, dentist, nurse, podiatrist, veterinarian, a registered embalmer, manufacturer or dealer in embalming supplies, pharmacist, wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles hereinafter mentioned by reason of his official duties, nurse acting under the direction of a physician or dentist, employee of a hospital acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles during the official performance of his duties, or a person who has received a written prescription issued under section 57.

Amend RSA 318 as inserted by section 1 of the bill by inserting after section 60 the following new section.

318:61 Destruction of Used Instruments. It shall be unlawful for any possessor of a hypodermic syringe, needle, or any instrument adapted for the administration of controlled drugs to dispose of or discard any such instrument without first making the instrument inoperable for further use.

Amendment adopted.

Ordered to third reading.

**HB 4**

establishing a department of housing and making an appropriation therefor. Rep. Alice Davis for Public Works. Ought to pass with amendment.

**AMENDMENT**

Amend RSA 204-A:1 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

204-A:1 Legislative Findings. The legislature finds and declares that New Hampshire is suffering from a shortage of adequate housing, especially for persons with low incomes and for the elderly, which impedes the economic growth of the state and lowers the standard of general welfare by resulting in conditions of insecurity, overcrowding, use of unsound, unsanitary and unsafe housing.

Amend RSA 204-A:2 as inserted by section 1 of the bill by inserting in line five after the word "adequate" the word (safe) so that said section as amended shall read as follows:

204-A:2 Public Policy. It is hereby declared to be the public policy of this state, and the purpose of this chapter, to provide a state department of housing in order to promote the safety, health and general welfare of the inhabitants of New Hampshire by adding in the planning, development, and growth of economically attainable, adequate, safe and sanitary housing accommodations and by aiding in the solution of other housing related problems.

Amend RSA 204-A:3, as inserted by section 1 of the bill by striking out paragraph III.

Further amend RSA 204-A:3 as inserted by section 1 of the bill by renumbering paragraph IV to read paragraph III.

Amend RSA 204-A:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

204-A:5 — Powers, Functions, Duties. The department of housing shall have the following powers, functions and duties:

I. To coordinate state programs aimed at solving the lack of adequate, safe and sanitary housing and housing related problems.

II. To act as the designated state agency for the application for, receipt of and administration of federal funds available for housing and urban development, and for other federal housing programs on behalf of the state or on behalf of municipalities not having a housing authority, including the solicitation of private participation.

III. To conduct planning and research into the problems of housing in New Hampshire, including but not limited to such housing related subjects as zoning regulations, the licensing of building trades, the enactment of uniform buildings codes and to provide the legislative background for the establishment of a state housing authority.

IV. To consult with, aid and provide information to municipalities, government agencies, private organizations and the public on matters related to housing.

V. To develop plans for state financial aid for housing and housing related activities.

Amend RSA 204-A:7 as inserted by section 1 of the bill by striking out in line three the word "and" and inserting in place thereof the word (or) so that said section as amended shall read as follows:

204-A:7 — Appointment; Term. The director shall be appointed by the governor with the consent of the council and shall serve for a term of four years or until a successor is appointed and qualified.

Amend RSA 204-A:8 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

204-A:8 — Qualifications. The director shall be a citizen of the United States and shall be a person specially qualified by training and experience in the field of housing.

Amend RSA 204-A:11 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

204-A:11 Rules and Regulations. The director shall make reasonable rules and regulations for carrying out the provisions of RSA 204-A:5, II. Any regulations made by the director shall be prima facie reasonable.

Amend section 4 of the bill by striking out said section and inserting in place thereof the following sections:

4 Repeal. RSA 204 relating to housing projects is hereby repealed.

5 Effective Date. This act shall take effect July 1, 1970.

Amendment adopted.

Under the Rules the Speaker referred HB 4 to Appropriations.

Rep. McMeekin moved to suspend the Rules to dispense with public hearing and committee report on HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville, and that the bill be placed before the House for action at the present time.

Rep. McMeekin yielded to Rep. Cummings.

Adopted by necessary 2/3 vote.

#### **HB 54**

legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville.

Ordered to third reading.

#### **HB 1**

imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns. Rep. Leavitt for Ways and Means. Ought to pass with amendment.

#### **AMENDMENT**

Amend RSA 77-A:5, III, as inserted by section 1 of said bill by inserting in line one between the word "sections" and "RSA" the word (of) so that said paragraph as amended shall read as follows:



III. Taxes paid pursuant to sections of RSA 402, as amended, relating to taxation of insurance companies.

Further amend RSA 77-A:5 as inserted by section 1 of said bill by inserting after paragraph III the following new paragraph:

IV. Taxes paid pursuant to RSA 82, relating to taxation of railroads and public utilities.

Amend RSA 77-A:6, II as inserted by section 1 of the bill by inserting in line two after the word "organization" the words (except those anticipating a gross business profit of less than ten thousand dollars during its subsequent taxable period) so that said paragraph as amended shall read as follows:

II. At the same time the return is filed as required by paragraph I of this section, every business organization, except those anticipating a gross business profit of less than ten thousand dollars during its subsequent taxable period, shall in addition file a declaration of its estimated taxable business profits and estimated business profits tax for its subsequent taxable period. Such estimated taxable business profits and estimated business profits tax shall be at least equal to the taxable business profits and business profits tax reported on the return filed therewith, unless for good cause the commission permits the taxpayer to make a lesser estimate.

Amend RSA 77-A:7, as inserted by section 1 of said bill by inserting in line seven after the word "filed" the following: (If such return shows an overpayment of the tax due the commission shall refund such payment to the taxpayer or shall allow the taxpayer a credit against a subsequent payment or payments due, to the extent of the overpayment, at the taxpayer's option) so that 77-A:7 as amended shall read as follows:

77-A:7 Payments. One quarter of the taxpayer's estimated business profits tax for the subsequent taxable period is due and payable at the time the taxpayer files the declaration required in RSA 77-A:6, II; one quarter is due and payable three months thereafter; one quarter is



due and payable six months thereafter; and one quarter is due and payable nine months thereafter. If the return required by RSA 77-A:6, I, shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, the commission shall refund such overpayment to the taxpayer or shall allow the taxpayer a credit against a subsequent payment or payments due, to the extent of the overpayment, at the taxpayer's option. Taxes not paid when due shall bear interest at the rate of ten percent per year computed from the due date.

Amend RSA 77-A:12, II, as inserted by section 1 of said bill by striking out in line four the words "on any part" and inserting in place thereof the words (or any part) so that said paragraph as amended shall read as follows:

II. Making, causing to be made or permitting to be made any false or fraudulent return or declaration or false statement in any return or declaration, with intent to defraud the state or to evade payment of the tax or any part of the tax imposed by this chapter;

Amend section 10 of said bill by striking out in lines three, five and nineteen the word "thirty-eight" and inserting in place thereof the word (thirty-four) so that said section as amended shall read as follows:

10 Tobacco; Tax Increase. Amend RSA 78:7 (supp) as amended by 1955, 256:1, 1965, 132:1 and 1967, 159:1 by striking out in lines two and sixteen the word "thirty" and inserting in place thereof the word (thirty-four) so that said section as amended shall read as follows: 78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of thirty-four percent upon the value of all tobacco products sold at retail in this state measured by the usual selling price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail, but the word "package" as used herein shall not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an

aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the constitution of the United States. Each unclassified importer shall within twenty-four hours after receipt of any unstamped tobacco products in this state notify the tax commission of the amount and brands of tobacco products received and the name and address of the consignor. The tax commission, thereupon, shall notify the unclassified importer of the amount of the tax due thereon, at the rate of thirty-four percent of the value thereof. Payment of the amount due the state shall be made within ten days from the mailing date of the notice thereof. Any unclassified importer refusing to pay the tax on tobacco products imported by him within ten days after being notified of the amount of said tax by the tax commission, shall be subject to a fine of not less than twenty-five dollars or more than one hundred dollars.

Amend the bill by striking out section 14.

Further amend the bill by renumbering sections 15, 16, 17, and 18 to read 14 15 16 and 17 respectively.

Further amend said bill by amending RSA 31-A as inserted by the newly numbered section 16 by inserting after 31-A:5 the following new section:

31-A:6 Alternate Procedure for Determination of Amounts Returnable in 1970. Any town or city which claims that its equalized valuation of the property relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns' enacted by the 1970 special session of the general court, for the years 1966, 1967, 1968, and 1969 increased by an average of more than ten percent, may apply to the tax commission for a certificate to that effect. After such investigation and hearing as the tax commission may require, which shall be conducted at the expense of the applicant, the commission shall, if it finds the application to have merit, certify to the state treasurer the average percentage rate of increase of equalized valuation of said property in said years. The state treasurer shall

determine the amount of revenue returnable to the applicant in 1970 by increasing the amount certified to him under section 2 of this chapter by the percentage certified to him by the tax commission under this section.

Amend the bill by striking out the newly numbered section 17 and inserting in place thereof the following new sections:

17 Examination of Tax. All taxes payable pursuant to the provisions of RSA 86 and 1969, 286 because of the death of any person who died after two o'clock in the afternoon of June 26, 1969 until the effective date of section 5, shall be reviewed by the director of the inheritance tax division, of the state tax commission. If one or more of any such decedent's beneficiaries was his lineal descendant, as defined in RSA 86:6, the director shall recompute the tax as provided in section 18.

18 Recomputation of Tax. The tax payable shall be recomputed pursuant to the provisions of 1969, 286:1, except that in addition to the exemptions provided therein the director shall also exempt any property passing to the decedent's lineal descendants as defined in RSA 86:6.

19 Amount of Tax Liability. Any person liable to pay a legacy and succession tax because of a death which occurred during the period of time delineated in section 17 and which tax has been recomputed pursuant to section 18 shall be liable only for the amount so recomputed.

20 Refund of Excess Tax Already Paid. Any person who has paid the tax imposed by 1969, 286:1 and said payment exceeds the amount of tax as recomputed pursuant to section 18 shall, provided he waives all rights of recovery, if any, under this act, shall be paid a refund from the state, of the amount by which the tax which he has paid exceeds the amount so recomputed.

21 Effective Date. This act shall take effect as follows:

I. On passage, sections 1, 2, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20;

II. On March 31, 1970, sections 3, 8 and 9;

III. At the exact time of passage, sections 4 and 5;

IV. July 1, 1970, section 10.

Rep. Reddy explained the technical proposed amendments of the committee.

The question being on the adoption of the committee amendments.

Rep. Craig spoke in favor of the amendments.

(discussion)

### PARLIAMENTARY INQUIRY

Reps. Craig, Bednar, deBlois and Healy rose on a point of parliamentary inquiry.

The Speaker stated that the question now is on the committee amendments to the bill.

Rep. Coutermarsh spoke in favor.

Committee amendments adopted.

Representative Trowbridge requested that House Bill 1 be divided into five parts as follows:

1. The business profits tax including the transition period provisions and the provisions for distribution to municipalities;

2. The repeal of the taxes on stock in trade, factory machinery, certain other machinery, portable mills and the enumerated taxes on live stock including the amendments required to inventories;

3. The amendment to legacy and succession tax including the provisions for reimbursement;

4. The increase in the tobacco tax and the subsidiary provisions thereto;

5. The increase of the commission on horse racing.

The question now being on the adoption of section 1 of the bill.

Reps. Logan, Nixon and Coutermarsh spoke in favor of section 1.

Reps. deBlois and Lawton spoke against section 1.

(Rep. O'Neil in the Chair)

(discussion)

(Speaker in the Chair)

## ENROLLED BILLS REPORT

CA CR 1, Concurrent Resolution proposing Constitutional Amendments Relating To: How Often the Legislature Shall Meet. Providing That: The Legislature Shall Meet Annually.

SB 5, relative to examination and educational requirements of Physicians.

Roxie A. Forbes  
For the Committee

Adopted.

## REPORTS (cont.)

Reps Pollock, Coburn and Sheldon Barker spoke in favor of section 1.

Reps. Van Gardner, Radway and Raiche spoke against section 1.

(discussion)

## UNANIMOUS CONSENT

Rep. Nixon addressed the House by unanimous consent. Mr. Speaker: I wish to publicly apologize to Reps. John M. Bednar of Hudson and Malcolm Stevenson of Bethlehem for inadvertently stating that the land profits tax sponsored by them at the 1969 regular session was as a rate of 20%. The 20% land profits tax was suggested by Rep. Bittenbender at a seminar at New England College last spring when Rep. Bednar's bill was being considered. Rep. Bittenbender and Rep. Bednar are

the sponsors of HB 27, the 12% land profits tax now being considered. I confused the parties identities and and mistakenly identified Rep. Bednar with Rep. Bittenbender's 20% land profits tax proposal.

I wish to further say that if Rep. Bednar and Rep. Bittenbender, with or without me, could figure out a way to tax land speculators from other states at 20% without taxing our own people, including those who live on farms with retirement incomes and who sell those farms to pay for the sicknesses and problems of old age, then I would support them. But these bills do not do that.

Finally, I want to make known my feeling that the people of Hudson are well and ably represented by Rep. Bednar who not only sponsors many bills but also follows them up, does his homework and fights for them and the people he represents.

Rep. Phillips spoke in favor of section 1.

Reps. Eaton and Bittenbender spoke against section 1.

(Rep. O'Neil in the Chair)

Rep. Goedecke spoke in favor of section 1.

Reps. Sayer, Bradley, Carmen, Bednar, Elmer Johnson and Healy spoke against section 1.

(Speaker in the Chair)

Reps. Stevenson and Richard Smith spoke against section 1.

(discussion)

Rep. Bowles spoke in favor of section 1 and demanded the yeas and nays; sufficiently seconded.

### PARLIAMENTARY INQUIRY

Rep. Healy rose on a point of parliamentary inquiry.

The Speaker stated that each section would be voted on individually.

HB 1: Section I

April 9, 1970

## ROLL CALL

Yeas: 224      Nays: 152

## YEAS

## ROCKINGHAM COUNTY:

Griffin, Hall, Ormiston, Kimball, Read, Maurice W., Senter, Tarbell, DeCesare, Gelt, Smith, Philip A., Morrison, Marden, Clark, Ernest D., Greenwood, Underwood, Goodrich, Hoar, Scamman, Collishaw, Eastman, Gage, Junkins, Varrill, Hamel, Cheney, George L., Fiske, Casassa, Brown, Stanwood S., Shindledecker, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Maynard, McEachern, Archie D., Bowles, Dorley, Quirk, Dame, Connors, Bodge, Coussole, Splaine, Croft.

## STRAFFORD COUNTY:

Dawson, Morrow, Clark, Shirley M., Cochrane, Shirley, Tirrell, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Berkey, Thompson, Barbara C., Hussey, Levesque, Clement, Leighton, Webber, Murphy, Peter J., Parnagian.

## SULLIVAN COUNTY:

Logan, Rousseau, Omer A., Angus, Campbell, Spaulding, Roma A., Hamilton, Coggeshall, Tracey, Frizzell, Galbraith, Williamson.

## BELKNAP COUNTY:

Allan, Stuart B., Roberts, Charles B., Randall, Earle F., Nighswander, Wuelper, Roberts, George B., Mutzbauer, Martin, Dearborn, Head, Prescott, Dulac, Foster, Claude W., Stafford.

## CARROLL COUNTY:

Davis, Esther M., Hayes, Hickey, Chase, Russell C., Claffin, Fox.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Trowbridge, Austin, McGinness, Allen, James F., Bennett, Jennie B., Halvorson,

Hackler, Thompson, Willard L., O'Neil, Tasoulas, Raymond, Pollock, Heald, Cleon E., MacKenzie, Walker, Barber, Sheldon L., Moran, Drew, Harold F.

#### COOS COUNTY:

Marsh, Noyes, Hunt, Manning, A. George, Drake, Shute, O'Hara, Oleson, Fortier, Roy, Edgar J., Studd, York, Elmer H., Brungot, Lemire, McCuin, Gagnon, Parent, Theriault, Thurston, Richardson, Mabel L.

#### GRAFTON COUNTY:

Higgins, McGee, Chamberlin, Bennett, Phil A., McMeekin, Park, Cone, Nutt, Smith, Manson B., Dow, Foster, Carl P. Duhaime, Roger M., Tremblay, Merrill, Dudley, Ellms, Blain, Hopkins, Bell, Karsten.

#### HILLSBOROUGH COUNTY:

Aucella, Sawyer, Brown, H. Allen, Knight, Poehlman, Vallee, Nixon, Daloz, Mann, Murray, Heald, Philip C., Jr., Warren, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Bridges, Brocklebank, Bouchard, Wallin, Barker, Helen A., Record, Cote, Margaret S., Boisvert, Wilfred A., Coutermarsh, Peabody, Arthur H., Van Loan, Carrier, Milne, Zachos, Gardner, William J., Montplaisir, Roy, Antoinette B., Dion, Leo L., Duhaime, Armand L., Welch, John L., Belanger, Goedecke, Lagasse.

#### MERRIMACK COUNTY:

Bigelow, Gile, Reddy, Beauchesne, Enright, Goff, Kopperl, Greeley, Welch, Alfred E., Michels, York, Edward H., Davis, Alice, Cheney, Charles H., Sr., McLane, Phillips, Horan, Smith, Roger A., MacDonald, Sanders, Fuller, Glavin, Newell, Howard, C. Edwin, Chase, Lila S., Welch, Shirley B., Tarr.

#### ABSENT BUT IN FAVOR

Bowlen, Wayne T., Randlett, Dorothy, Dunham, Burleigh, Sherman, Kenneth L.



## NAYS

## ROCKINGHAM COUNTY:

Fernald, Stimmell, Persson, Adams, Gay, Sayer, White, George W., Sr. Palmer, Schwaner, Spollett, Cummings, Sewall, Twardus, Randall, Anthony T.

## STRAFFORD COUNTY:

Drew, Robert B., Joncas, Rolfe, Vickery, Beaudoin, Preston, Smith, Richard L., Tripp, Peabody, Raymond B., Pray, Bernard, Fellows, Young, Kinney, Richardson, Harriett W. B., Torr, Maglaras.

## SULLIVAN COUNTY:

Mackintosh, Gaffney, Barrows, D'Amante, Downing, Saggiotes, Merrifield.

## BELKNAP COUNTY:

Lawton, deBlois, Normandin.

## CARROLL COUNTY:

Howard, Donald K., Cox, Roberts, Milburn F., Remick, Davis, Dorothy W.

## CHESHIRE COUNTY:

Forbes, Danielchick, Cournoyer, Johnson, Elmer L., Battenfeld, Saunders, Callahan.

## COOS COUNTY:

Huggins, Bushey, Burns, Dubey, Desilets.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Tilton, Brummer, Anderson, Fayne E., Radway, Buckman, Sears, Bradley.

## HILLSBOROUGH COUNTY:

Eaton, Bittenbender, Weillbrenner, Karnis, Fortin, Carter, Belcourt, Lesage, Cote, Peter R., Drabinowicz, Mason, Desmarais, Lachance, Poliquin, Bouley, Chamard, Aubut, Boisvert, Ralph W., Sirois, Bissonnette, Bednar, Lynch, Keeney, Cares,

Watson, Buker, Goode, Loxton, Carmen, Lang, Soucy, Murphy, Francis, Nyberg, Bruton, Cote, Joseph, Cullity, McDermott, Betley, Manning, Thomas E., Walsh, Edward J., Barrett, Casey, Clancy, Healy, O'Connor, Michael F., LaFrance, Leclerc, Martel, Thibeault, Craig, Campono, Champagne, Chevette, Bower, Derome, Raiche, Walsh, Michael P., O'Connor, James P., Sweeney, Clear, Nourie, Storm, Levasseur, Nalette, Allard, Lambert, Burke, Grady, McGrail, Vachon.

MERRIMACK COUNTY:

Andrews, Storm, Irene L., Gamache, Robinson, Bartlett, Avery, Mousseau, Dempsey, Gilman, Laroche, Mattice, Cate, Henry, Howland.

ABSENT BUT AGAINST

Urie.

Section 1 of the bill adopted.

Rep. Williamson offered the following amendment to section 1, and moved suspension of the rules to dispense with the reading of the amendment.

Amend the bill by striking out section 21 and inserting in place thereof the following new sections:

21 Payments to School Districts Based on Foundation Aid. Amend RSA 198 by inserting after section 12 the following new section:

198:12-a Continuing Foundation Aid Payments. Commencing in 1970 and each year thereafter, a portion of the general revenue of the state shall be returned to certain school districts as follows:

I. Every school district which received foundation aid for the school year 1969-70 shall be paid annually in the month of December as follows: In 1970 a sum equal to the amount of foundation aid, plus ten percent thereof which they received for the school year 1969-70, and each year thereafter shall be paid ten percent more than they were paid the previous year.

II. Any school district receiving payment under this section shall not receive any other foundation aid payment.

III. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

22 Effective Date. This act shall take effect as follows:

I. On passage, sections 1, 2, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

II. On March 31, 1970, sections 3, 8 and 9;

III. At the exact time of passage, sections 4 and 5.

IV. July 1, 1970, section 10.

Adopted by the necessary 2/3 vote.

Rep. Williamson explained the amendment.

Reps. O'Neil and Drake spoke against the amendment.

Amendment lost.

Rep. Sweeney offered the following amendment to section 1.

#### AMENDMENT

Amend Section 17 of the Bill by inserting after 31-A:2 the following sentence: Notwithstanding the foregoing any city or town which re-values its taxable property within one year after the effective date of this bill shall have the amount returnable under this section based on the re-valued bases of the property.

The clerk read the amendment in full.

Rep. Sweeney explained the amendment and spoke in favor of.

Rep. Trowbridge spoke against the amendment.

Rep. Raiche spoke in favor of the amendment.

Amendment lost.

Rep. Wallin offered the following amendment to section

1 and moved suspension of the rules to dispense with the reading of the amendment.

### AMENDMENT

Amend RSA 31-A:6 as inserted by section 16 of the bill by striking out the same and inserting in place thereof the following:

31-A:6 Alternate Procedure for Determination of Amounts Returnable in 1970. Any town or city which claims that its equalized valuation of the property relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns' enacted by the 1970 special session of the general court, for the years 1966, 1967, 1968, and 1969 increased by an average of more than ten percent, or, if any town or city which is in the process of having said property reassessed by an outside assessor on the effective date of this section, claims that its equalized valuation of said property for the year said reassessment applies and for the three immediately preceding years increased by an average of more than ten percent may apply to the tax commission for a certificate to that effect. After such investigation and hearing as the tax commission may require, which shall be conducted at the expense of the applicant, the commission shall, if it finds the application to have merit, certify to the state treasurer the average percentage rate of increase of equalized valuation of said property in said years. The state treasurer shall determine the amount of revenue returnable to the applicant in 1970 by increasing the amount certified to him under section 2 of this chapter by the percentage certified to him by the tax commission under this section.

Rep. Wallin explained the amendment.

Rep. Trowbridge spoke against the amendment.

(discussion)

Amendment lost.

The question now being on section 2 of HB 1.

Adopted.

Rep. Craig offered the following amendment.

## AMENDMENT

Amend said bill by striking out part II of section 18 and inserting the following:

II. On March 31, 1971 sections 3, 8 and 9.

The Clerk read the amendment in full.

Rep. Craig explained the amendment.

(discussion)

Rep. Zachos spoke against the amendment.

Amendment lost.

The question now being on section 3 of HB 1.

Adopted.

Rep. Brummer offered the following amendment.

## AMENDMENT

Amend RSA 86:6, II (b) as inserted by section 4 of said bill by striking out the same and inserting in place thereof the following:

(b) the decedent's lineal ascendants and the decedent's lineal descendants which shall include all adopted children in the decedent's line of succession;

The Clerk read the amendment in full.

Rep. Brummer explained the amendment.

Rep. Reddy spoke in favor of the amendment.

Amendment adopted.

Rep. Brummer offered the following amendment.

## AMENDMENT

Amend section 17 of the bill by striking out the same and inserting in place thereof the following section:

17 Examination of Tax. All taxes payable pursuant to the provisions of RSA 86 and 1969, 286 because of the death of any person who died after two o'clock in the afternoon of June 26, 1969 until the effective date of section

5, shall be reviewed by the director of the inheritance tax division, of the state tax commission. If one or more of any such decedent's beneficiaries was his lineal ascendant or lineal descendent, as defined in RSA 86:6, the director shall recompute the tax as provided in section 18.

The Clerk read the amendment in full.

Rep. Brummer explained the amendment.

Reps. Reddy and O'Neil spoke in favor of the amendment.

(discussion)

Amendment adopted.

Rep. Brummer offered the following amendment.

#### AMENDMENT

Amend section 18 of the bill by striking out the same and inserting in place thereof the following:

18 Recomputation of Tax. The tax payable shall be recomputed pursuant to the provisions of 1969, 286:1, except that in addition to the exemptions provided therein the director shall also exempt any property passing to the descendent's lineal ascendants and the descendent's lineal descendants as defined in RSA 86:6.

The Clerk read the amendment in full.

Rep. Brummer explained the amendment.

Rep. Reddy spoke in favor of the amendment.

Amendment adopted.

The question now being on section 4 of HB 1.

Section 4 adopted.

The question now being on section 5 of HB 1.

Section 5 adopted.

The question now being, shall HB 1 be ordered to a third reading.

Adopted.

Rep. Raymond moved suspension of the Rules to permit the introduction of a committee report not previously advertised in the Journal.

Adopted by the necessary two-thirds vote.

## COMMITTEE REPORT

### HB 28

providing for medical facilities at the industrial school and making appropriation therefor. Reps. Cleon Heald for Public Health, Welfare and State Institutions and Raymond for Public Works. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 State Industrial School. The sum not to exceed two hundred and fifty thousand dollars is hereby appropriated for a sixteen bed infirmary, dental facility and improved medical facilities at the state industrial school as follows: The sum of two hundred and ten thousand dollars for construction of the building, land preparation, architectural expenses and utility services; twenty-five thousand dollars for furnishings and equipment for the new facility. Said building shall be adjacent to the present boys cottage and shall consist of approximately six thousand square feet to include four bed units for girls, eight bed units for boys, four isolation units, a dental office, medical office and equipment necessary therefor; and fifteen thousand dollars for a contingency fund. The sums hereby appropriated shall be expended under the direction of the trustees of the state industrial school. Said appropriation shall not be transferred or expended for any other purpose, but may be transferred within the line items in the appropriation.

Amend section 2 of the bill by striking out in line three the word "three" and inserting in place thereof the word (two) so that said section as amended shall read as follows:

2 Bonds Authorized. To provide funds for the appropriations made in section 1 of this act the state treasurer

is hereby authorized to borrow upon the credit of the state not exceeding the sum of two hundred and fifty thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A:. The payment of principal and interest on bonds and notes issued for the projects authorized by this act shall be made when due from the general funds of the state.

Amendment adopted.

Under the Rules the Speaker referred HB 28 to Appropriations.

### OTHER SENATE MESSAGE

Senate concurred on HJR 4, naming the David Wayne Hildreth Dam, with amendment.

Rep. Ellms moved the House concur in the Senate amendment.

### AMENDMENT

Amend the Joint Resolution by inserting at the end thereof the following: Suitable public dedication services shall be held July 4, 1970 by the Warren Old Home Day Committee and a copy of this Resolution shall be transmitted to the family of David Wayne Hildreth, so that said Resolution, as amended, shall read as follows:

The dam designated site number two, on Berry Brook, on the Baker River Soil Conservation Project in the town of Warren, Grafton County is named David Wayne Hildreth Dam and the department of water resources is directed to obtain and affix an appropriate plaque to said dam evidencing the same. Suitable public dedication services shall be held July 4, 1970 by the Warren Old Home Day Committee and a copy of this Resolution shall be transmitted to the family of David Wayne Hildreth.

Adopted.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills to be read by title only;



Resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 10:00 o'clock.

Adopted.

### LATE SESSION THIRD READING

HB 1 imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.

### RECONSIDERATION

Rep. O'Neil, having voted with the majority, moved that the House reconsider its action whereby it passed HB 1 and spoke against the motion.

Motion lost.

### THIRD READING CONTINUED

HB 54 legalizing the proceedings at the Town meeting of March 10, 1970 in the town of Danville.

HB 7 to regulate the sale and possession of hypodermic syringes, needles, or like instruments and making the possession of one pound of marijuana a felony.

HB 42 relative to the administration of the insurance laws.

### RECONSIDERATION

Rep. MacIntosh, having voted with the majority, moved that the House reconsider its action whereby it passed HB 42 and spoke against the motion.

Motion lost.

The Speaker announced that it was the 74th birthday of Rep. Underwood.

The Speaker also announced that April 10th will be the 50th wedding anniversary of Rep. and Mrs. Allen Brown of Goffstown.

Rep. Raiche moved adjournment at 5:59 P.M. in honor of Rep. Hussey of Rochester who leaves to serve in the United States Army.

*Tuesday, 14Apr70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

ALMIGHTY GOD, our Heavenly Father, we thank Thee for Thy Word and for the eternal truths which guide us day by day. We thank Thee most of all for the "living Word", Jesus Christ, and the sureness of His presence in the home, in the factory, in the field, at the office, on the highway, in these hallowed halls, and in the vastness of space. We join with others across our nation who are concerned for the men of APOLLO 13, we pray for their safe return to Earth, the continued alertness and diligence of those handling this mission, and the use of all our resources to turn failure into success. Teach us how to turn to Thee for our guidance, that Thy thoughts may be our thoughts and Thy ways our ways — in Jesus' name we pray.

Amen.

Rep. Remick led the Pledge of Allegiance.

Reps. Dubois and Vachon were granted indefinite leave of absence on account of illness.

Rep. Goode was granted leave of absence for the day on account of important business.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the introduction of Committee reports on HB's and HJR's without one days notice in the Journal and/or hearings and/or committee reports.

(discussion)

### PARLIAMENTARY INQUIRY

Rep. Newell rose on a point of parliamentary inquiry.

Motion adopted by the necessary 2/3 vote.

### SENATE MESSAGE

#### INTRODUCTION OF SENATE BILLS

First, second reading & reference

SB 12, relative to retirement credits for Teresa B. Demarais and Paul Hartigan. To Appropriations.

SB 25, relative to the department of centralized data processing. To Executive Depts. & Administration.

SB 35, removing a conflict in the issuance of search warrants. To Judiciary.

Rep. Pray moved the reference to SB 8, increasing the salary of the Strafford county attorney be changed from Municipal and County Government to the Strafford County Delegation.

Adopted.

### COMMITTEE REPORTS

#### SB 26

transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation therefor. Rep. Ellms for Agriculture. Ought to pass.

Under the Rules the Speaker referred SB 26 to Appropriations.

#### SB 32

relative to the Cooperative School District No. 1 of the town of Derry. Rep. Greene for Education. Ought to pass.

Rep. Greene moved that SB 32 be made a special order for Thursday at 11:01 and spoke in favor of the motion.

Adopted.

#### HB 39

providing for full disclosure in land sales and making an appropriation therefor. Rep. Wallin for Judiciary. Ought to pass with amendment.

### AMENDMENT

Amend RSA 356-A:1, V as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

V. "Subdivider" means any person who is an owner of subdivided land or one who offers it for disposition;

Amend RSA 356-A:1, VI as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

VI. "Subdivision" and "subdivided lands" mean any land in this or another state which is, or has been, or is proposed to be divided for the purpose of disposition into fifty or more lots, parcels, units or interests and also includes any land whether contiguous or not if fifty or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale, provided, however, that the term "subdivision" and the term "subdivided lands" shall not include condominiums;

Amend RSA 356-A:1 by inserting at the end thereof the following new paragraph:

XIV. "Hearing" means a hearing open to the public.

Amend RSA 356-A:2, as inserted by section 1 of this act by striking out the word "fraud" and inserting in place thereof the word (protection) so that said section as amended shall read as follows:

356-A:2 Administration. There is hereby added to the office of attorney general, division of consumer protection, an assistant attorney general, an investigator, and such clerical, stenographic and other staff as the attorney general may appoint within the appropriation made therefor. Said staff shall be in addition to all other staff provided for the office of attorney general and shall enforce and administer the provisions of this chapter, subject to the supervision of the attorney general, and perform such other duties as the attorney general may from time to time assign.

Amend RSA 356-A:3, I, as inserted by section 1 of the bill by striking out paragraphs (c) and (d) and by renumbering subparagraphs (e) (f) and (g) to read respectively subparagraphs (c) (d) and (e) .

Amend RSA 356-A:3, IV, as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

IV. Any subdivision which has been registered under the Federal Interstate Land Sales Full Disclosure Act shall be exempt from the registration provisions of RSA 356-A:5, I, II and III, except RSA 356-A:5, I (a), (f), (g),

and (h) and RSA 356-A:9, upon filing with the agency on a copy of an effective statement of record filed with the secretary of housing and urban development.

Amend RSA 356-A:5, I, (f) as inserted by section 1 of said bill by striking out said subparagraph and inserting in place thereof the following:

(f) if the subdivider is a closely held corporation, partnership, joint stock company, trust or sole proprietorship, the name, address, and principal occupation of each trustee, stockholder, partner, or person having any beneficial interest therein;

Amend RSA 356-A:5, I (o) as inserted by section 1 of said bill by striking out said subparagraph and inserting in place thereof the following:

(o) a statement of the existing provisions for access, sewage disposal, water, and other public utilities in the subdivisions; a statement of any improvements to be installed, and the estimated cost thereof, the schedule for their completion, and a statement as to any provisions for improvement maintenance;

Amend RSA 356-A:5, I, as inserted by section 1 of said bill by striking out subparagraphs (u) and (v) and inserting in place thereof the followings:

(u) if the subdivider is not the holder of legal title, copies of the appropriate documents required by subparagraphs (r), (s) or (t) above;

(v) any other information, including any current financial statement, which the agency by its rules requires for the protection of purchasers. Information filed with the agency shall not be disclosed publicly except in connection with a hearing, civil action, or criminal action involving the party who submitted the information.

Further amend RSA 356-A:5, as inserted by section 1 of said bill, by striking out paragraph IV and by renumbering paragraph V of said section to read paragraph IV.

Amend RSA 356-A:6, I, (c) as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

(c) The significant terms of any encumbrances, easements, liens, and restrictions, including zoning, water pollution and other regulations affecting the subdivided lands and each unit or lot, and a statement indicating whether or not any such zoning, water pollution and other regulations have been complied with:

Amend RSA 356-A:6, I, (e) as inserted by section 1 of said bill by striking out said subparagraph and inserting in place thereof the following:

(e) information concerning improvements, including streets, water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities and customary utilities, and the estimated cost, if any, to be borne by the purchaser, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in subdivided lands;

Amend RSA 356-A:8, I, as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

I. Upon receipt of the application for registration in proper form, the agency shall issue a notice of filing to the applicant. As soon as possible and within sixty days from the date of the notice of filing, the agency shall enter an order registering the subdivided lands or rejecting the registration. If no order of rejection is entered within sixty days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay. All registrations shall be recorded in the appropriate register of deeds within ten days of their receipt by the agency.

Amend RSA 356-A:13, IV, as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

IV. If, before the date set for a court hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding

before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

Amend RSA 356-A:16, II, as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

II. In addition to any other remedies, the purchaser, under the preceding paragraph, may recover three times the consideration paid for the lot, parcel, unit or interest in subdivided lands together with interest at the rate of six percent per year from the date of payment, property taxes paid, less the amount of any income received from the subdivided lands upon tender of appropriate instruments of reconveyance. If the purchaser no longer owns the lot, parcel, unit or interest in subdivided lands, he may recover the amount that would be recoverable upon a tender of a reconveyance less the value of the land when disposed of and less interest at the rate of six percent per year on that amount from the date of disposition. In any such action by the purchaser the prevailing party may recover reasonable court costs and attorney's fees, as may be ordered by the court.

Amend RSA 356-A:20, as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

356-A:20 Conflict of Interest. No member of the agency or any partnership, firm or corporation with which a member is associated shall act as subdivider, agent, attorney or broker of a subdivision, lot, parcel, unit or interest therein or offer or dispose of a subdivision, lot, parcel, unit or interest therein required to be approved pursuant to RSA 356-A:4 of this chapter.

Rep. Zachos explained the bill and amendment at the request of Rep. deBlois.

(discussion)



## PARLIAMENTARY INQUIRY

Rep. Craig rose on a point of parliamentary inquiry.

Amendment adopted.

Rep. Zachos offered the following amendment, and moved that the reading of the amendment be dispensed with.

Adopted.

## AMENDMENT

Amend 356-A:3, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. Any subdivision which has been registered under the Federal Interstate Land Sales Full Disclosure Act shall be exempt from all of the provisions of this chapter, except RSA 356-A:5, I (a), (f), (g) and (h); RSA 356-A:9; RSA 356-A:10, IV; RSA 356-A:11; RSA 356-A:15; RSA 356-A:16; RSA 356-A:17 and RSA 356-A:20, upon filing with the agency a copy of an effective statement of record filed with the secretary of housing and urban development together with a filing fee of one hundred dollars, and recording a notice of registration with the appropriate register of deeds.

Amend RSA 356-A:5, I, (v) as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

(v) any other information, including any current financial statement, which the agency by its rules requires for the protection of purchasers. Financial information filed with the agency shall not be disclosed publicly except in connection with a hearing, civil action, or criminal action involving the party who submitted the information.

Amend RSA 356-A:8, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Upon receipt of the application for registration in proper form, the agency shall issue a notice of filing to the applicant. As soon as possible and within sixty days from



the date of the notice of filing, the agency shall enter an order registering the subdivided lands or rejecting the registration. If no order of rejection is entered within sixty days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay. Notice of all registrations shall be recorded in the appropriate register of deeds within ten days of their receipt by the agency.

Rep. Zachos explained the amendment.

(discussion)

Amendment adopted.

Rep. Ferguson offered the following amendment.

#### AMENDMENT

Amend the bill by striking out section 4 and renumbering section 5 to read section 4.

The Clerk read the amendment in full.

Rep. Ferguson explained the amendment.

Reps. Craig, Healy, and deBlois spoke in favor of the amendment.

(discussion)

Reps. Trowbridge, O'Neil and Nixon spoke against the amendment.

(Rep. O'Neil in the Chair)

(discussion)

(Speaker in the Chair)

Reps. Zachos, Wallin and Logan spoke against the amendment.

(discussion)

Rep. Maloomian moved the previous question; sufficiently seconded.

Adopted.

The question now being on the adoption of the amendment.

Rep. Buckman requested a division.

114 members voting in the affirmative and 154 in the negative, the motion lost.

Rep. Zachos moved suspension of the Rules to dispense with reference to Appropriations and place on third reading and final passage now.

Adopted by the necessary 2/3 vote.

Rep. Newell requested a division.

(discussion)

### PARLIAMENTARY INQUIRY

Rep. Newell rose on a point of parliamentary inquiry.

141 members having voted in the affirmative and 137 in the negative, the motion failed because it did not receive the necessary 2/3 vote.

Under the Rules the Speaker referred HB 39 to Appropriations.

#### HB 52

reducing the sales charge on sweepstakes tickets sold in state liquor stores. Rep. McMeekin for Statutory Revision. Inexpedient to legislate.

Resolution adopted.

#### HB 41

imposing a tax on certain incomes and making an appropriation therefor. Rep. Nixon for Ways and Means. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tax Imposed. Amend RSA by inserting after chapter 77 the following new chapter:

#### Chapter 77-A Commuters Income Tax

77-A:1 Definitions. As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:

I. "Adjusted gross income" shall mean, for any taxable year, the adjusted gross income as defined in the United States internal revenue code in effect for that taxable year but excluding income which under the code is exempted from taxation by the state.

II. "Commission" shall mean the state tax commission.

III. "Estimated tax" shall mean the amount which the individual estimates as the amount of the income tax imposed by this chapter for the taxable year, minus the amount which the individual estimates as the sum of any credits against such tax.

IV. "Taxpayer" shall mean any person subject to the provisions of this chapter.

V. "Individual" shall mean a natural person.

VI. "New Hampshire taxable income" shall mean, for any taxable year, taxable income as defined under the United States internal revenue code in effect for that taxable year less any New Hampshire derived income and less an exemption of two thousand dollars.

VII. "Person" shall mean any individual.

VIII. "Taxable year" shall mean the calendar or fiscal year, or portion thereof, upon the basis of which the New Hampshire tax is computed.

IX. "Taxable nonresident" shall mean any nonresident of the state whose adjusted gross income that taxable year includes any amount of New Hampshire derived income.

X. "New Hampshire derived income" shall mean, for any taxable year:

(a) rents, royalties and gain derived from the ownership of property within the state;

(b) wages, salaries, fees, commissions or other income received with respect to personal services performed of whatever kind and in whatever form paid derived from activities (1) performed within this state, or (2) performed from a base of operations within this state and not subject to an income tax within the state where the services are performed.

(c) income derived from every business, trade, occupation or profession of the taxpayer to the extent that the business, trade, occupation or profession is carried on within the state. But New Hampshire derived income shall not include any income excluded from adjusted gross income as defined in this section.

XI. "Resident" shall mean:

(a) an individual domiciled in the state except one who maintains a permanent place of abode outside the state, does not maintain one within the state and does not spend more than thirty days of the taxable year within the state; or

(b) an individual who maintains a permanent place of abode within the state and spends more than one hundred eighty-three days of the taxable year within the state.

XII. For the purposes of this act, interest, dividends and capital gains received by the taxpayer from the ownership or sale of stock or from a beneficial interest in a trust and all income received by the taxpayer from a retirement system of any kind or from an annuity or other insurance plan shall be deemed to have been earned in the state of residence of said taxpayer.

771A:2 Tax Imposed.

I. On Residents, Income Earned Outside New Hampshire. A tax is hereby imposed upon every resident of the state, which shall be levied collected and paid annually at the rate of four percent of their income which is derived outside the state of New Hampshire as defined in RSA 77-A:1 "New Hampshire taxable income;" provided, however, that if such income shall be subject to a tax in the state in which it is derived, such tax shall constitute full satisfaction of the tax hereby imposed; and provided further, that if such income is exempt from taxation because of statutory or constitutional provisions in the state in which it is derived, or because the state in which it is derived does not impose an income tax on such income, it shall be exempt from taxation under this paragraph.

II. On Nonresidents, Income Earned in New Hampshire. A tax is hereby imposed upon every taxable non-

resident, which shall be levied, collected and paid annually at the rate of four percent of their New Hampshire derived income as defined in RSA 77-A:1 less an exemption of two thousand dollars; provided, however, that if the tax hereby imposed exceeds the tax which would be imposed upon such income by the state of residence of the taxpayer, if such income were earned in such state, the tax hereby imposed shall be reduced to equal the tax which would be imposed by such other state.

III. Exception. Notwithstanding the provisions of paragraphs I and II, no tax shall be imposed upon salaries paid to men or women in the armed forces of the United States.

77-A:3 When Taxed. The tax imposed by RSA 77-A:2 shall be levied, collected, and paid by the fifteenth of the fourth month following the close of the taxable year.

#### 77-A:4 Administration.

I. This chapter shall be administered and enforced by the tax commission. A division of commuters income tax is hereby established within said commission. The commission shall appoint a director under the personnel laws who shall have such powers, duties and functions in the enforcement and administration of this division as the commission may from time to time assign. The director shall furnish a bond in an amount set under RSA 93. The director shall appoint necessary assistants under the personnel law subject to the approval of the commission.

II. Subject to the approval of the commission, the director may prescribe rules and regulations reasonably designed to carry into effect the intent and purpose of this chapter. These rules and regulations are prima facie evidence of its proper interpretations.

III. Subject to approval of the commission, the director is authorized to equip the division with furniture, equipment and supplies necessary to administer the division.

IV. The expenditures authorized by paragraphs I and III of this section shall be a charge against the moneys collected pursuant to this chapter; provided, however, that

until such time as moneys received pursuant to this chapter equal the cost of administering the same, the expenditures shall be a charge against the general fund. The governor is authorized to draw his warrants from the sums so authorized out of any money in the treasury not otherwise appropriated.

77-A:5 Credit for Taxes Withheld. Income upon which any tax is required to be withheld at its source under RSA 77-A: 10-16 shall be included in the return of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

77-A:6 Reciprocal Provision. The commission is authorized to enter with any other state or country a reciprocal agreement in which such other state or country agrees not to impose a personal income tax upon income received by residents of this state and this state agrees not to impose a personal income tax upon income received by residents of such other state or country; provided, however, that such reciprocal agreement shall not become effective until the beginning of the next fiscal biennium after the date of such agreement.

### Returns

77-A:7 Individuals. A taxpayer shall file a return of his net income for such a period and on such accounting basis as is authorized under the internal revenue code. For each taxable year, returns shall be made to the commission in such form and manner and to such extent as it shall prescribe by regulations, by the following taxpayers:

I. A resident having for such taxable year any New Hampshire taxable income as defined in RSA 77-A:1; provided, however, that if it shall appear to the satisfaction of the commission that any residents of this state, or class of residents of this state, who are subject to the tax imposed by this act, are liable for tax upon the same income under the law imposed for the taxable year by another state and are thereby entitled to a credit allowed by section 2 of this chapter against the tax otherwise due under this chapter, the commission shall by regulation relieve

such residents or class of residents from being required to make any return under this chapter.

II. A nonresident having for such taxable year New Hampshire derived income of two thousand dollars or more.

A husband and wife may make a single joint return to the commission for a taxable year for which such a return is filed under the laws of the United States. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

77-A:8 Information Returns. Each individual, partnership, corporation, joint stock company or association or insurance company, being a resident or having a place of business in this state, in whatever capacity acting, including lessees or mortgagors of personal property, fiduciaries, employers and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal or payment of salaries, wages, rentals, or other compensation or income subject to the provisions of this chapter paid or payable during any year to any individual subject to a tax under this chapter shall on such date or dates as the commission shall from time to time designate, make complete return to the commission.

77-A:9 Form and Verification of Returns. Returns shall be in such form as the commission may from time to time prescribe and shall be filed at any office which may be established on or before the fifteenth day of the fourth month following the close of the taxable year. In case of sickness, absence or other disability, or whenever good cause exists, the commission may allow further time for filing returns. Returns shall be verified by written declarations that the statements therein are made subject to the pains and penalties of perjury. When a return is made for a corporation or partnership, the person signing such return shall be deemed to be the person subject to the pains and penalties of perjury. The commission shall cause to be prepared blank forms for the returns



and shall cause them to be distributed throughout the state and to be furnished upon application, but failure to receive or secure the form shall not relieve a taxpayer from the obligation of making the return herein required.

### Withholding of Tax

77-A:10 Who Must Withhold. Every employer, as defined under the laws of the United States in effect April 26, 1947, with respect to income tax collected at its source, employing any person liable for a tax pursuant to the provisions of this chapter shall deduct and withhold upon wages subject to the provisions of this chapter paid to said employee, a tax equal to four percent of such wages subject to the provisions of RSA 77-A:13.

77-A:11 Return of Withheld Taxes. Every employer required to deduct and withhold any tax under RSA 77-A:10 shall make return thereof to the commission on or before February fifteenth in each year and shall pay quarterly the tax withheld to the commission, provided, however, that the commission may, if such action is necessary in any emergency where collection of the tax may be in jeopardy, require such employer to make such return and pay such tax at any time, or from time to time.

77-A:12 Employer's Liability. Every employer required to deduct and withhold a tax under RSA 77-A:10 is hereby made liable for such tax and is hereby indemnified against the claims and demands of any individual, corporation or partnership for the amount of any payments made in accordance with the provisions of this chapter.

77-A:13 Use of Withholding Tables. At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages paid to such employee a tax determined on the basis of tables to be prepared and furnished by the commission, which tax shall be substantially equivalent to the tax provided in RSA 77-A:10 and which shall be in lieu of the tax required in such section.

77-A:14 Amount of Withheld Taxes as Lien Against Employer. If any employer required to deduct and withhold a tax under RSA 77-A:10 neglects or refuses to pay



the same after demand, the amount, including interest after such demand, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, belonging to such employer. Such lien shall arise at the time the assessment and demand is made by the commission and shall continue until the liability for such sum, with interest and costs, is satisfied or becomes unenforceable. Such lien shall be valid as against any subsequent mortgagee, pledgee, purchaser or judgment creditor when notice of such lien and the sum due has been filed by the commission with the clerk of the town or city in which the property subject to the lien is situated, or, in the case of an unorganized town or grant, in the office of the register of deeds for the county wherein such property is situated. In the case of any prior mortgage on real or personal property so written as to secure a present debt and also future advances by the mortgagee to the mortgagor, the lien herein provided, when notice thereof has been filed in the proper clerk's office, shall be subject to such prior mortgage unless the commission also notifies the mortgagee of the recording of such lien in writing, in which case any indebtedness thereafter created from mortgagor to mortgagee shall be junior to the lien herein provided for.

77-A.15 Release of Lien. The commission shall issue and record a certificate of release of the lien if:

I. The commissioner finds that the liability for the amount assessed and demanded, together with interest and costs, has been satisfied or has become unenforceable; or

II. There is furnished to the commission a bond with surety approved by the commission in a penal sum sufficient to equal the sum assessed and demanded, together with interest and costs, said bond to be conditioned upon the payment of any judgment rendered in proceedings regularly instituted by the commission to enforce collection thereof at law.

77-A:16 Foreclosure of Lien. The lien provided for by RSA 77-A:14 may be foreclosed in the case of real estate agreeably with the provisions of law relating to foreclosure of mortgages on real estate, and in the case of personal

property, agreeably with the provisions of law relating to the foreclosure of chattel mortgages.

### Estimated Tax Declarations

#### 77-A:17 Who Must File.

I. Individuals liable for the tax assessed under this chapter shall annually on the fifteenth of the fourth month following the close of the taxable year furnish the tax commission with an estimate of income subject to taxation under this chapter for the current taxable year from which no New Hampshire withholding tax is expected to be made if such income can reasonably be expected to exceed ten thousand dollars.

II. The filing of estimates shall not be applicable to persons receiving their income from farming as defined under the United States code.

77-A:18 Payment of Estimated Tax. Each taxpayer required to file an estimated tax declaration shall include with his declaration of estimated income payment of not less than one-quarter of the tax due thereon. Thereafter, on the fifteenth days of the sixth and ninth months following the close of the taxable year the taxpayer shall pay not less than one-quarter of the tax due upon said estimated income or any revised estimate thereof.

77-A:19 Payment of Fourth Installment — General Rule. Annually on the fifteenth day following the close of the taxable year for which the estimate of income was made, the taxpayer, whose income can reasonably be expected to exceed his estimated income by thirty percent or more shall file an amended declaration of estimated income on or before such date and make payment in full of the balance of tax due thereon, or in lieu thereof may file a return for the taxable year for which the estimate was made and pay the tax in full as computed on the return on or before the last day of the first month following the close of said taxable year. Otherwise, the final quarterly payment may be made with the taxpayer's return on the fifteenth day of the fourth month following the close of the taxable year for which the taxes were due.

77-A:20 — Exceptions. This requirement to amend or file a return shall not apply, however, if the taxpayer files a declaration of estimated income and makes payment of the tax due thereon as provided in this chapter, based upon:

I. The tax shown on the return by the taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of twelve months, or

II. An amount equal to the tax computed at the rates applicable to the taxable year, on the basis of the taxpayer's status for the taxable year, but otherwise on the basis of the facts shown on his return, and the law applicable to, the preceding taxable year.

77-A:21 Adjustments; Procedure. The commission is empowered to determine whether there has been error in the assessment of the tax imposed by this chapter, in accordance with the following provisions:

I. The taxpayer may demand such a determination, in writing, within three years after the tax was due or paid, whichever is later;

II. The commission may, on its own motion, undertake such a determination upon written notice to the taxpayer given within three years after the tax was due or paid, whichever is later.

III. After hearing, if requested by the taxpayer, the commission shall affirm or shall increase or decrease the tax theretofore assessed. Any increase ordered by the commission shall be assessed against the taxpayer and shall carry ten percent interest from the date originally due. Any decrease ordered by the commission shall, with ten percent interest from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer, but such credit and payment together may not exceed the amount of the tax originally paid, plus interest.

77-A:22 Appeal. Within thirty days after notice of any adjustment of a tax by the commission under RSA 77-A:21,

a taxpayer may appeal the commission's determination by petition to the superior court in the county where the taxpayer resides or, if not a resident, in the county where he has a place of business or a resident agent. The superior court shall determine the correctness of the commission's action de novo.

### Miscellaneous Provisions

77-A:23 Penalty. Whoever violates any of the provisions of this chapter shall be fined not less than one hundred dollars nor more than two thousand dollars, or imprisoned not more than one year or both.

77-A:24 Disposal of Revenue. The revenue received from this tax, after paying the expense of administering this chapter shall be paid into the general fund.

### 77-A:25 Investigation, etc.

I. The commission may take the oath of any person in the course of any examination, investigation or hearing authorized by this chapter. In connection with hearings the commission and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commission and taxpayer may take the depositions of witnesses residing within or without the state pertaining to a matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses are the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commission shall be considered as an expense of administration of this chapter.

II. Any notice required by this chapter to be given by the commission to a taxpayer shall be made by certified mail to the last known address of the taxpayer and in the case of hearings shall be given at least ten days before the date thereof.

77-A:26 Confidentiality of Commission Records. Notwithstanding any other provision of law and except as hereinafter provided, the records and files of the commission respecting the administration of this chapter are confidential and privileged. The commission, and any em-

ployee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the commission's records or files or from any examination, investigation or hearing authorized by this chapter. Neither the commission nor any employee of the commission may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceedings. The following exceptions apply to this section:

I. Testimony by a member or employee of the commission and production of records, files and information in behalf of the commission or a taxpayer in any action or proceeding under the provisions of this chapter where such testimony or the records or files or information, or the facts shown thereby are directly involved in the action or proceeding;

II. Delivery to a taxpayer or his duly authorized representative of a copy of any return or other paper filed by the taxpayer pursuant to this chapter;

III. Publication of statistics so classified as to prevent the identification of a particular return and the items of the return;

IV. Exchange of information with the United States internal revenue service in accordance with compacts made and provided for such cases;

V. Disclosure in confidence to the governor and council or their agent in the exercise of their general supervisory powers, or to any person authorized to audit the accounts of the commission in pursuance of such audit, or to the attorney general or other legal representative of the state in connection with an action or proceeding under this chapter.

77-A:27 Preference. The taxes and interest imposed by this chapter have preference in any distribution of the assets of the taxpayer, whether in insolvency or otherwise.

77-A:28 Dissolution of Corporations. No corporation organized under any law of this state may be dissolved until all taxes and interest required to be withheld by said corporation under this chapter have been fully paid. The

secretary of state shall not issue a certificate of dissolution, and no decree of dissolution shall be signed in any court without a certificate from the commission that no taxes and interest imposed by this chapter are due and unpaid.

2 Duties of Commission. Amend RSA 71:11 by inserting after paragraph XIII the following new paragraph: XIV. Income Tax. To enforce the provisions, including the issuance of reasonable rules and regulations relating thereto, of RSA 77-A.

3 Effective Date. RSA 77-A:2 as inserted by section 1 of this act shall take effect July 1, 1970 and the remainder of this act shall take effect upon its passage.

Rep. Nixon answered questions at the request of Rep. Williamson.

(discussion)

Amendment adopted.

Reps. Lawton and Saunders spoke against the bill.

Rep. Maloomian spoke in favor of the bill.

(discussion)

Rep. Zachos answered questions at the request of Reps. Avery and Trowbridge.

Rep. Saunders answered questions at the request of Reps. Kopperl, Raymond, and Nixon.

Reps. Shirley and Palmer spoke in favor of the bill.

Rep. Trowbridge answered questions at the request of Rep. Radway.

Reps. McMeekin and Logan spoke in favor of the bill.

Rep. Reddy explained the committee report.

Rep. Reddy answered questions at the request of Reps. Newell and Brummer.

Rep. Nixon answered questions at the request of Reps. Raiche and Young.

Rep. Maloomian moved the previous question; sufficiently seconded.

Adopted.

Ordered to third reading.

Rep. Nixon moved that the letter from Atty. Richard A. Hampe be made a part of the permanent Journal of the House.

Adopted.

April 11, 1970

The Honorable Samuel Reddy, Jr., Chairman  
House Ways and Means Committee  
House of Representatives  
State House  
Concord, New Hampshire 03301

Dear Sam:

Enclosed please find an amendment to House Bill 41, An Act imposing a tax on certain incomes. This amendment strikes out everything after the enacting clause and replaces it with a new draft of the bill which is designed to meet the objections raised to the original bill.

Because of the complexity of the bill, I would like to explain some of the major provisions.

Generally, this bill is designed to impose an income tax on nonresidents on income earned in this state. This is a somewhat reciprocal tax as all of our neighboring states impose a tax upon New Hampshire residents who work within their respective borders. The intent of this bill is not to tax any resident of this state and it is my belief that the bill, as drawn in this amendment, will not tax any New Hampshire residents. However, in order to make this tax meet constitutional requirements, it is necessary for us to impose a tax in the first instance upon residents as well as nonresidents.

An examination of RSA 77-A:2, I, discloses that while a tax is imposed upon every resident of the state upon their income which is derived outside of the State of New Hampshire, a credit is given for any tax paid to the state in which such income is derived which will fully satisfy the tax imposed by this section. In most cases, this provision will exempt income earned



outside of New Hampshire by New Hampshire residents from being taxed. However, cases in which residents of New Hampshire earn income either in states which do not impose an income tax or in states which while imposing an income tax exempt the particular income of such persons from taxation (such as airline pilots) so that no credit would be allowed; such income is also exempted from taxation under the second proviso of this paragraph. The net result is that no New Hampshire resident will be required to pay a tax.

Perhaps I should indicate at this point that it is specifically provided by RSA 77-A:1, XIII that interest, dividends, capital gains and income from retirement systems and trusts shall be deemed to be earned in the state of residence of the taxpayer so that this income for New Hampshire residents will not be deemed as income "derived outside the State of New Hampshire" and, therefore, will not be subject to the tax imposed by this act.

As to nonresidents, RSA 77-A:2, II provides that they shall pay a tax of 4 per cent of their income earned within the State of New Hampshire. It further provides that in cases where nonresidents are taxed by their home state and such tax is at a rate of less than 4 per cent, the tax hereby imposed shall be reduced to equal the amount of the tax which would be imposed by the taxpayer's home state. The significance of this provision is that no nonresident will thus be required to pay more tax to New Hampshire than to his home state and he, therefore, will have no reason to question the validity of this tax. The end result of the tax imposed by this bill will be, therefore, to give to the State of New Hampshire most of the tax collected by our neighboring states on their residents on income earned within the State of New Hampshire without putting an additional burden on any individual taxpayer.

Two of the major definitions contained in this bill are the terms "New Hampshire derived income" and "New Hampshire taxable income" because these are the determining factors in computing the amount of the tax imposed by this bill.

"New Hampshire derived income" (section 77-A:1, X) is defined to include all wages, rents, royalties or other gain derived from sources within this state or derived from services performed from a base of operations within this state and not subject to a tax in another state. This is the amount, less \$2,-



000.00 exemption, upon which the nonresident's tax is to be computed.

The term "New Hampshire taxable income" (section 77-A:1, VI) is defined as a taxable income of the taxpayer as defined under the United States Internal Revenue Code for that taxable year less any New Hampshire derived income and less a \$2,000.00 exemption. The effect of this definition is to exclude all income earned by the taxpayer in the State of New Hampshire. When this is taken together with the credit and exemption provisions mentioned above in RSA 77-A:2, I, the end result is that no New Hampshire resident will be required to pay a tax.

I would like to call your attention to section 77-A:6 which authorizes the Tax Commission to enter reciprocal agreements with other states. Under the terms of such agreements, the State of New Hampshire could agree not to tax residents of such other states in return for which the other states would agree not to tax the residents of this state. If such an agreement could be reached, the residents of this state working in such other states would then be relieved from taxation because such income "derived outside the State of New Hampshire" would then be exempt from taxation under the provisions of RSA 77-A:2, I. This section is written in accord with the recommendations of the Citizens Task Force at pages 48 and 49, copies of which I am attaching to this letter.

You will note that if such a reciprocal agreement could be entered into it will not be effective until the beginning of the biennium following the date of agreement. The purpose of this is to protect the integrity of the revenue estimates upon which appropriations have been made.

I hope the information contained in this letter will be of some help to you in your examination and consideration of this bill. I would be happy to meet with you and your Committee at any time to further explain this bill.

*Very truly yours,*

Richard A. Hampe  
*Attorney*

RECESS

## AFTER RECESS

## COMMITTEE REPORTS CONTINUED

## HB 2

increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor and relative to the adjustment of salaries for unclassified employees. Rep. Ferguson for Appropriations. Ought to pass with amendment.

## AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

## An Act

increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.

Further amend the bill striking out sections 2 and 3 and inserting in place thereof the following:

2 Appropriations. Amend House Bill 2 as amended by striking out said section and inserting in place thereof the following: 500:3 Appropriations. There are hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for classified state employees as provided for herein, the following sums: \$2,078,932.00 from the general funds of the state, \$1,233,058.00 from highway funds, \$114,200.00 from fish and game funds, \$380,846.00 from federal funds, \$71,787.00 from self-sustaining funds and \$52,482.00 from recreation funds. For the fiscal year ending June 30, 1971 there are hereby appropriated the following sums: \$3,402,625.00 from general funds of the state, \$1,939,133.00 from highway funds, \$175,113.00 from fish and game funds, \$595,437.00 from federal funds, \$108,051.00 from self-sustaining funds and \$79,868.00 from recreation funds.

3 Appropriations for Temporary and Seasonal. Amend House Bill 2 as amended by striking out said section and inserting in place thereof the following: 500:4 Appropriations for Temporary and Seasonal. There is

hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for temporary and seasonal employees as provided herein the following sums: \$130,087.00 from general funds of the state, \$88,674.00 from highway funds, \$14,919.00 from self-sustaining funds and \$2,331.00 from fish and game funds. For fiscal year ending June 30, 1971 there are hereby appropriated for said salary increases the following sums: \$208,141.00 from general funds of the state, \$141,842.00 from highway funds, \$23,872.00 from self-sustaining funds, and \$3,732.00 from fish and game funds.

Further amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appropriations for Retirement and Oasi. There are hereby appropriated in addition to any other sums appropriated for retirement and OASI for fiscal 1970 and fiscal 1971 the following sums:

	Fiscal 1970	Fiscal 1971
General fund	\$50,250	\$24,750
Highway fund	30,586	10,405
Fish and Game fund	2,744	716
Federal	9,314	3,297
Self-sustaining	2,475	11,700
Recreation	1,330	423
	<hr/>	<hr/>
	\$96,699	\$51,291
	<hr/>	<hr/>

Further amend the bill by striking out section 7 and inserting in place thereof the following:

7 Effective date. This act shall take effect retroactive to April 1, 1970.

Rep. Eaton spoke in favor of the bill as amended and discussed the financial condition of the state.

Rep. Eaton answered questions at the request of Rep. deBlois.

Amendment adopted.

Ordered to third reading.

**HB 10**

increasing the appropriation for the New England board of higher education for the fiscal year ending June 30, 1971. Rep. Weeks for Appropriations. Ought to pass.

Ordered to third reading.

**HB 13**

relative to the Central New Hampshire Turnpike, and making an appropriation therefor. Rep. Drake for Appropriations. Ought to pass.

Ordered to third reading.

**HB 23**

relative to the control of algae and other aquatic nuisances. Rep. Roger Smith for Appropriations. Ought to pass with amendment.

**AMENDMENT**

Amend the bill by striking out sections 2, 3 and 4 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of one hundred thousand dollars. The above sum shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 50**

relative to the firemen's retirement system. Rep. Saunders for Appropriations. Ought to pass.

Ordered to third reading.

**HJR 1**

appropriating funds to convert the heating system at the state prison to oil. Rep. Ballam for Appropriations. Ought to pass.

Ordered to third reading.

**HJR 3**

appropriating funds for an additional tax forms examiner for the state tax commission. Rep. Craig for Appropriations. Ought to pass with amendment.

**AMENDMENT**

Amend the caption of said resolution by striking out the same and inserting in place thereof the following:

**JOINT RESOLUTION**

appropriating additional funds for the interest and dividends tax division of the state tax commission.

Amend said resolution by striking out the same and inserting in place thereof the following:

The sum of nine thousand two hundred and four dollars is hereby appropriated for the fiscal year ending June 30, 1970 to be expended by the state tax commission for the salary and equipment for an additional tax forms examiner, an additional machine operator and for additional expenses in the interest and dividends tax division as follows:

Tax forms examiner	\$ 800.00
Machine operator	1,150.00
Secretarial desk	160.00
Secretarial chair	40.00
Typewriter	500.00
1 Calculator	600.00
2 Filing cabinets	160.00
Key tape device	450.00
Machine time rental	1,344.00
Contract programming	4,000.00
<hr/>	
Total	\$9,204.00

The sum of nineteen thousand four hundred and seventy-five dollars is hereby appropriated for the fiscal year ending June 30, 1971 to be expended by the state tax commission for additional expenses for the interest and dividends tax division as follows:

Tax forms examiner	\$5,555.00
Key tape device	2,160.00
Computer rental	6,240.00
Machine operator	5,520.00

---

Total	\$19,475.00
-------	-------------

The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

### HB 30

making appropriations for the treatment and prevention of alcohol and drug abuse. Rep. Craig for Appropriations. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out Section 2 and inserting in place thereof the following:

2 Appropriation; Department of Education. The following sums are appropriated in the department of education, in addition to any other sums appropriated for said department for said fiscal years in order to implement the program of drug and alcohol abuse control as established by RSA 172.

	1971	
Personnel Services		
consultant	13,832	
clerk stenographer II	5,414	
	<hr/>	19,246
Current Expenses		1,900
Equipment		1,530
Travel		
in-state	900	
out-of-state	300	
		1,200
Employee Benefits		1,279
Teacher workshop and conferences		2,500
		<hr/>
Grand Total		27,655

Further amend the bill by striking out Section 3 and inserting in place thereof the following:

3 Appropriation; Division of State Police. The following sums are appropriated in the budget of the division of state police of the department of safety in addition to any other sums appropriated for said division for said fiscal years in order to implement the programs of drugs and alcohol abuse control as established by RSA 172.

	1970 April 1-June 30	1971
I. Control and Investigation of Drugs		
Personal Services — Class I		
3 T/corporals	7,020.52	30,456.40
2 troopers	4,640.45	20,095.92
1 clerk III	1,265.76	5,681.00
	<hr/>	<hr/>
	12,926.73	56,233.32
Current Expense		
Class II	1,735.00	4,950.00
Equipment		
Class III		
motor vehicles	2,500.00	10,000.00
mobile radios	1,000.00	3,200.00
misc.		1,000.00
	<hr/>	<hr/>
	3,500.00	14,200.00
Other personal services		1,000.00
Retirement, Blue		
Cross, etc.	475.33	5,110.00
Travel		
In state	2,973.50	18,350.00
Out-of-state	300.00	2,500.00
Procuring evidence	400.00	1,500.00
	<hr/>	<hr/>
Total (I)	22,310.56	103,843.32
II, Drug Identification (Laboratory)		
Equipment		
Class III		
1 gas chromatographic	10,000.00	
1 atomic absorption equipment and accessories	5,000.00	
1 chemical supplies	4,000.00	
	<hr/>	
	19,000.00	

Personal Services		
1 chemist II	7,839.00	
1 lab technician	5,379.40	
1 clerk steno II	4,716.00	
		<hr/>
		17,934.40
Current Expense		5,100.00
Equipment		
Class III		
ultra violet recording spect.	14,000.00	
infra recording spect.	9,500.00	
electric ovens	400.00	
ultra violet light system	600.00	
thin layer chromatography	500.00	
misc. equipment	1,500.00	
		<hr/>
		26,500.00
Other Personal Services		1,200.00
Retirement, Blue Cross, etc.		768.51
Travel		
In state		500.00
Out-of-state		800.00
		<hr/>
Total II	19,000.00	52,802.91
Grand Total	41,310.56	156,646.23

Further amend the bill by striking out Section 4 and inserting in place thereof the following new section:

4 Appropriation: Amend laws of 1969, Chapter 501:8 by striking out the words "sixty two thousand five hundred dollars for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971" and inserting in place thereof the words (thirty thousand dollars for the fiscal year ending June 30, 1970 and fifteen thousand dollars for the fiscal year ending June 30, 1971). Further amend said section by striking out the words "seven thousand five hundred dollars is appropriated in the budget of the department of education for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971;" and the words "forty thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971" and inserting in place thereof the words (fifteen thousand dollars is appropriated in the budget of the divi-



sion of state police in the department of safety for the fiscal year ending June 30, 1970) and by striking out the word "education" so that said section as amended will read as follows:

501:8 Appropriation. There is hereby appropriated the sum of thirty thousand dollars for the fiscal year ending June 30, 1970 and the sum of fifteen thousand dollars for the fiscal year ending June 30, 1971. Of these sums fifteen thousand dollars is appropriated in the budget of the division of public health services of the department of health and welfare for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971; fifteen thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970. The commissioners of health and welfare and safety are directed with the approval of governor and council, to budget these sums in order to most effectively achieve the purposes of this act.

Rep. Craig explained the amendment at the request of Rep. Merrill.

Amendment adopted.

Ordered to third reading.

## HB 26

providing for additional personnel for vocational rehabilitation, fixing salaries of vocational rehabilitation counselors and transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education and making certain appropriations. Rep. George Roberts for Appropriations. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out the title and inserting in place thereof the following: Transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education, and further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

Chapter 186-B  
Education and Training of the Blind

186-B:1 Statement of Purpose. To enable the state to more effectively provide services to the blind of all ages in the state, it is the intent of this chapter to place the functions of education, training, vocational rehabilitation, and related services of the blind under one administration. By this transfer of functions, all of the responsibility for the education and training of all handicapped children in the state become the responsibility of the department of education.

186-B:2 Appointment of Blind Services Administrator.

I. The state board of education shall appoint the director of blind services in the appropriate division, under the direct supervision of the chief of the division.

186-B:3 Program for Blind Established.

I. The department of education shall establish a program for the education, training, and vocational rehabilitation for the blind of all ages, whether or not they are eligible for aid to the needy blind under the division of welfare.

II. The department of education shall develop or cooperate with other agencies in providing services to the blind, including the locating of blind persons, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes and other services to blind persons. In connection with assistance to needy blind persons the department shall give due consideration to the special needs associated with the condition of blindness and, in cooperation with the division of welfare, department of health and welfare, shall (a) promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual acuity which an applicant may have and be eligible for assistance and providing for an examination by an ophthalmologist or physician skilled in disease of the eye or by an optometrist, whichever the individual may select, in making the determination whether the individual is eligi-

ble and fixing the fee for such examination: (b) establish the procedure for securing competent medical examination ; (c) designate or approve a suitable number of ophthalmologists or physicians skilled in disease of the eye, and optometrists, who must be duly licensed or registered under the laws of this state and actively engaged in the practice of their professions, to examine applicants and recipients of aid to determine their eligibility for assistance; (d) fix the fees to be paid for medical examination from funds available to the division.

186-B:4 Aid to the Blind. The department of education shall furnish aid to the blind of the state, as follows:

I. Register of Blind. The director for blind services, shall prepare and maintain a register of the blind in the state, which shall describe their condition, cause of blindness, capacity for education and industrial training, and such other data as he considers advisable.

II. Industrial Aid. The director for blind services shall act as a bureau of information and industrial aid for the blind, and for this purpose may furnish materials and tools to any blind person. He may assist blind persons engaged in home industries in marketing their products, in finding employment, and in developing home industries. He may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as are expedient. However, he shall not undertake the permanent support or maintenance of any blind person.

III. State Aid. The director for blind services, shall furnish assistance to such blind persons, in such amounts and at such asylums, schools, or other institutions designed for the purpose of industrial aid to the blind as the department of education directs.

IV. Instruction Outside State. The chief of the division at his discretion may contribute to the support of the blind persons from New Hampshire receiving instruction in industrial institutions outside of the state. The furnishing of such assistance shall not affect the settlement of any person nor his right to vote.

V. Assistants to Aid Blind. The state board of education may appoint other officials and agents necessary to assist in carrying into effect the provisions of this chapter, subject to regulations of the state personnel commission.

186-B:5 Industrial Workshop and Homework Program.

I. The department of education is authorized to establish an industrial workshop and homework project to provide work training and gainful employment for the older blind of the state, with the intent to thereby qualify for federal grants.

II. The director of blind services in consultation with the division's facilities specialist, shall act as the director of the shop and homework project. Under his general direction there shall be a coordinator responsible for the organization and administration of the shop as well as for procuring subcontracts. There shall be a shop manager responsible for production and the day-to-day management of the shop. There shall be a home instructor who shall visit the homes of the blind and instruct them in the various production operations. There shall be a driver responsible for delivery work between the shop and the homes of the blind workers as well as performing all other trucking duties. There shall be a secretary-bookkeeper who shall keep all production records and act as a secretary to the shop staff.

186-B:6 Aid to the Blind: Transfer of Functions.

I. The functions and duties of furnishing aid to the blind, other than furnishing public assistance to the needy blind, performed by the division of welfare, department of health and welfare, are transferred to the department of education.

II. Wherever reference is made in the statutes to the blind services, to the bureau of blind services, to the state agency for the blind, to the supervisor of services to the blind, to the chief of blind services, or to any other agency furnishing aid to the blind other than an agency furnishing public assistance to the needy blind, the reference means the department of education.

186-B:7 Transfer of State Agency for Blind; Position Abolished. The position of state agent for the blind, sometimes known as chief of blind services, authorized in the division of welfare, department of health and welfare by RSA 167:40, is transferred to the department of education. Wherever reference is made in the statutes to the state agent for the blind or to the chief of the bureau of blind services, the reference means the director for blind services in the department of education.

186-B:8 Nesmith Fund. There shall be appropriated annually thirty-seven hundred dollars, less the annual income derived from the Nesmith trust fund, to comply with the terms of the trust under the will of John Nesmith. The thirty-seven hundred dollars shall be spent for the aid, support, maintenance and education of the indigent blind of the state of New Hampshire under the direction of the department of education.

2 Division of Welfare. Duties of Needy Blind. Amend RSA 161:2,V by striking out in lines one through six the words "develop or cooperate with other agencies in providing services to the blind, including the locating of blind persons, medical services for eye conditions, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes, other services to blind persons, and a program for the prevention of blindness" and inserting in place thereof the words (In cooperation with the department of education) so that said paragraph as amended shall read as follows: V. Blind. In cooperation with the department of education, in connection with assistance to needy blind persons the division shall give due consideration to the special needs associated with the condition of blindness and shall: (a) promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual acuity which an applicant may have and be eligible for assistance and providing for an examination by an ophthalmologist or physician skilled in disease of the eye or by an optometrists, whichever the individual may select, in making the determination whether the individual is eligible and fixing the fee for such examination; (b) establish the procedure for securing competent medical ex-

amination; (c) designate or approve a suitable number of ophthalmologists or physicians skilled in diseases of the eye, and optometrists, who must be duly licensed or registered under the laws of this state and actively engaged in the practice of their professions, to examine applicants and recipients of aid to determine their eligibility for assistance; (d) fix the fees to be paid for medical examination from funds available to the division.

### 3 Transfer of Personnel.

I. All employees of the division of welfare, department of health and welfare, who are employed in providing aid to the blind under RSA 167:35 to 42 inclusive, including sections 37-a and 37-b, or in providing services to the blind under paragraph V of RSA 161:2, except those employees engaged in furnishing aid to the needy blind by reason of the eligibility for public assistance, are transferred to the department of education. The employees transferred under this section may not be placed in a lower labor grade or position than they held in the division of welfare, and under the provisions of the personnel statutes and rules and regulations, they may be placed in a higher labor grade.

II. The person holding the job of state agent for the blind authorized under RSA 167:40, also known as the director of blind services on the effective date of this act, is transferred to the department of education in a labor grade no lower than held by the person in that position on the effective date of this act.

4 Repeal. RSA 165:35 as amended by 1961, 222:1, relating to a register of blind person, is hereby repealed.

5 Repeal. RSA 167:36, as amended by 1961, 222:1, relating to industrial aid for the blind, is hereby repealed.

6 Repeal. RSA 167:37, as amended by 1961, 222:1, relating to state aid to blind persons receiving instruction in schools and superceded by RSA 186-B:4, III, is hereby repealed.

7 Repeal. RSA 167:37-a (supp) and 167:37-b (supp) as inserted by 1965, 375:1, relating to the industrial workshop and homework program are hereby repealed.

8 Repeal. RSA 167:38 as amended by 1961, 222:1, relating to the support of blind persons in institutions outside the state, is hereby repealed.

9 Repeal. RSA 167:39, relating to the effect of aiding blind persons from this state in out-of-state institutions, is hereby repealed.

10 Repeal. RSA 167:40 as amended by 1961, 222:1, relating to a state agent for the blind, is hereby repealed.

11 Repeal. RSA 167:41 (supp) as amended by 1961, 222:1 and 1965, 352:14, relating to assistants for administering the program of aid to the blind, is hereby repealed.

12 Repeal. RSA 167:42, as amended by 1961, 141:1 and 1961, 222:1, relating to the appropriation and income from the John Nesmith trust fund for the indigent blind, is hereby repealed.

13 Personnel Standards. Amend RSA 161:4, II as amended by 1961, 222:1 by inserting in line four between the words "the" and "blind" the word (needy) so that said paragraph as amended shall read as follows: II. Personnel Standards. Based upon the number of applicants and recipients in the localities, the director of the division of welfare shall determine the number of employees necessary for the administration of old age assistance, aid to dependent children, and aid to the needy blind in all administrative units, state, county, and town, subject to the regulations of state personnel commission.

14 Public Assistance to Needy Blind, Settlement. Amend RSA 167:1 (supp) as amended by 1961, 271:1 and 1967, 396:1 by inserting in line two between the words "the" and "blind" the word (needy) so that said section as amended shall read as follows: 167:1 Settlement. No person shall lose or be prevented from gaining a settlement because of receiving old age assistance, aid to the needy blind, aid to families with dependent children, aid to the permanently and totally disabled, or medical assistance under the provisions of this chapter of RSA 161.

15 Designations, Public Assistance to Needy Blind. Amend RSA 167:5 (supp) as amended by 1961, 271:2 and 1967, 396:4 by inserting in line three between the words



“the” and “blind” the word (needy) so that said section as amended shall read as follows: 167:5 Designations. Assistance granted to needy aged persons shall be designated as old age assistance; assistance granted to needy blind shall be designated as aid to the needy blind; assistance granted to needy dependent children shall be designated as aid to families with dependent children; assistance granted to the needy permanently and totally disabled shall be designated as aid to the permanently and totally disabled; medical care and services provided individuals whose income and resources are insufficient to meet costs of necessary medical needs shall be designated as medical assistance. Assistance granted in these groups shall be in the form of money payments to or vendor medical payments in behalf of recipients and such separate records and accounts shall be kept and other requirements met as are necessary to qualify for grants-in-aid from the federal government.

16 Transfer of Records and Equipment. All of the records, documents, and equipment being used in the performance of the functions that are transferred from the division of welfare, department of health and welfare, to the department of education, by RSA 187:B:6 as inserted by this act are transferred to the possession of the department of education. If any of these records are necessary to the functions of furnishing aid to the needy blind by the division of welfare, the department of education may make copies of the records for its purposes.

#### 17 Transfer of Appropriations.

I. The state treasurer shall separate all of the money in the state treasury available for use by the department of health and welfare for the training, education and vocational rehabilitation of the blind, including the administrative expenses of these functions, and including all appropriations for blind services, from the public assistance fund created by RSA 167:20 or any other account. The treasurer shall credit this money to the department of education.

Amendment adopted.

Ordered to third reading.



**HB 51**

making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971. Rep. Drake for Appropriations. Ought to pass with amendment.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations. The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purpose specified for the branches and departments named, by section 2 of the act for the fiscal year ending June 30, 1970 and by section 3 of the act for the fiscal year ending June 30, 1971. Said appropriations are in addition to any other appropriations made for said fiscal years for any of said branches of departments.

**2 Appropriation for Fiscal Year Ending June 30, 1970**

Department of resources and  
economic development

Office of the commissioner

New England river basins

commission	\$6,300.00
------------	------------

Division of economic development

Vacation travel center	3,000.00
------------------------	----------

Division of Parks

Flume sewage disposal

system	\$47,223
--------	----------

Less federal funds	23,611
--------------------	--------

Net appropriated	23,612.00
------------------	-----------

Total appropriation for fiscal

year ending June 30, 1970	\$ 32,912
---------------------------	-----------

**3 Appropriation for Fiscal Year Ending June 30, 1971.**

## Department of health and welfare

## Division of public health services

Maternal child health and crippled  
children's services

## Other expenditures:

Rehabilitation	\$ 50,000
----------------	-----------

## Radiation surveillance:

## Personal services:

Permanent	\$ 6,529
-----------	----------

Current expenses	321
------------------	-----

## Travel:

In state	1,000
----------	-------

Equipment	11,350
-----------	--------

Total	19,200
-------	--------

Total for division of public health services	\$ 69,200
---	-----------

## Division of Welfare

## Old age assistance:

State's share	279,570
---------------	---------

Towns and counties	\$ 441,799
--------------------	------------

Less estimated revenue	441,799
------------------------	---------

Net appropriation	0
-------------------	---

Federal	\$1,045,824
---------	-------------

Less estimated revenue	1,045,824
------------------------	-----------

Net appropriation	0
-------------------	---

## Old age assistance to aliens:

Towns and counties	\$ 81,733
--------------------	-----------

Less estimated revenue	100,114
------------------------	---------

Net appropriation	—18,381
-------------------	---------

Federal	\$ 118,495
---------	------------

Less estimated federal funds	118,495
------------------------------	---------

Net appropriation	0
-------------------	---

Aid to families with dependent  
children:

State's share	617,989
---------------	---------

Federal:	\$ 895,948
----------	------------

Less estimated revenue	895,948	
	<hr/>	
Net appropriation		0
Aid to needy blind:		
State's share		39,299
Federal	\$ 56,976	
Less estimated revenue	56,976	
	<hr/>	
Net appropriation		0
Aid to permanently and totally disabled:		
State's share		16,574
Towns and counties*	\$ 99,671	
Less estimated revenue	99,671	
	<hr/>	
Net appropriation		0
Federal	\$ 168,529	
Less estimated revenue	168,529	
	<hr/>	
Net appropriation		0

\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provision hereof are hereby suspended until June 30, 1971.

Net appropriation for division of welfare	\$ 935,051
---	------------

#### Division of mental health

##### Office of director:

##### Office of community mental health services:

Grant to community mental health services	200,000
---	---------

Total for office of director	<hr/> 200,000
------------------------------	---------------

## New Hampshire hospital:

## Administration:

## Other personal services:

Permanent	13,187
-----------	--------

Total	<hr/>	13,187
-------	-------	--------

## Professional care and treatment:

## Personal services:

Permanent	166,588
-----------	---------

Other	27,460
-------	--------

Current expenses	5,000
------------------	-------

## Drugs:

Out patients†	7,909††
---------------	---------

In patients	12,500††
-------------	----------

Equipment	42,100
-----------	--------

Total	<hr/>	261,557
-------	-------	---------

†Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

††These amounts shall not be transferred or expended for any other purpose.

## Custodial care:

## Personal services:

Permanent	\$16,060
-----------	----------

Current expenses	6,110
------------------	-------

Equipment	28,300
-----------	--------

Total	<hr/>	50,470
-------	-------	--------

## Operation of plant:

## Personal services

Permanent	\$ 4,485
-----------	----------

Other	5,000
-------	-------

Equipment	7,700
-----------	-------

Total	<hr/>	17,185
-------	-------	--------

## Maintenance of plant:

## Personal services:

Permanent	\$ 10,618
-----------	-----------

Current expenses	5,000
------------------	-------

Total	<hr/>	15,618
-------	-------	--------

## Children's services:

## Personal services

Other \$ 5,000

Current expenses 5,000

Equipment 12,000

---

Total 22,000

---

Total for New Hampshire hospital \$ 380,017

---

Total for division of mental health 580,017

---



---

Total for department of health and welfare \$1,584,268

---

## Department of education

## Education of handicapped children

children \$ 110,000

Education of deaf\* 22,000

Intellectually retarded children 58,000

Emotionally disturbed children 60,000

## Foundation aid:

State aid to school districts\*\* 1,000,000

\*These funds shall be for payments to schools for board, room and tuition and shall not be expended for any other purpose, and no transfer shall be made therefrom.

\*\*This appropriation shall not be transferred or expended for any other purpose.

## Vocational education acts:

Reimbursements to local school districts as permitted by vocational education acts \$ 100,000

---

Total for board of education \$1,350,000

---

Department of resources and economic  
development:

Office of the commissioner:

New England river basins commission	\$ 6,300
--	----------

Division of economic  
development:

Vacation travel center	10,000
------------------------	--------

Total for department of resources and economic development	16,300
--	--------

Total appropriation for fiscal year ending June 30, 1971	2,950,568
---	-----------

4 Elimination of Welfare Footnote. Amend Laws of 1969, 367:4 under the appropriation for the department of health and welfare, division of welfare, aid to families with dependent children, state's share by striking out the asterisks after the lines reading "Income disregard", "Day care", and "Foster care". Further amend said section by striking out the footnote after the appropriation for aid to families with dependent children which reads as follows: "\*This appropriation shall not be transferred or expended for any other purpose."

5 Appropriation. There is hereby appropriated for the payment of refunds as certified by the state tax commission provided for by section 20 of an act imposing a business profits tax passed by the 1970 session of the General Court, the sum of two hundred twenty thousand dollars. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

6 Tobacco Tax; Appropriation. In order to insure the payment of the tax upon tobacco products on hand and in the possession of licensees at the time sections 10, 11, 12 and 13 of an act imposing a business profits tax passed by the 1970 session of the General Court becomes effective the state tax commission is hereby authorized to employ such temporary help as may be necessary and procure such supplies, stamps, and other things necessary for the purpose and the sum of forty five hundred dollars is hereby appro-

priated to defray the cost thereof. Said appropriation shall not lapse at the end of the fiscal year but shall continue and be available so long as there is need thereof. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Appropriation for OASI. There is hereby appropriated in addition to any other sums appropriated for OASI for fiscal 1970 the amount of one hundred sixty thousand dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### **HB 38**

abolishing certain classified positions and lapsing appropriations into the general fund. No report.

Rep. Trowbridge moved that HB 38 be reported ought to pass with amendment and spoke in favor of the motion.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

abolishing certain classified position and lapsing appropriations into the general fund; establishing a commission to study state personnel procedures and making an appropriation therefor; establishing a state personnel merit rating system and making an appropriation therefor; and establishing a committee to recommend the abolishment of classified postions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prohibition During April 1, 1970 to June 30, 1970. The following listed authorized vacant classified positions

shall not be filed for the period of April 1, 1970 through June 30, 1970 and the applicable appropriations made to pay the salaries for all said positions for said period are each hereby reduced by the amount needed to make such applicable payments and all said amounts shall not be transferred into the salary adjustment fund pursuant to RSA 99:4 but shall lapse into the general fund on April 1, 1970.

<i>Department</i>	<i>Position</i>
Adjutant general	1 Maintenance mechanic I
Administration & control	1 Laborer
	4 Building service workers I
	—
Total	5
Attorney general	1 Legal stenographer I
State library	1 Clerk typist I
Resources & economic development	1 Civil engineer III
	1 Chief forest pest & disease
	—
Total	2
Treasury	1 Account clerk II
Health & welfare	
Welfare	2 Social workers
	3 Clerk stenographers I
	—
Total	5
State prison	1 Housekeeper
	1 Boiler fireman
	—
Total	2
Education	2 Building service workers II
	1 Clerk stenographer II
	—
Total	3
Liquor	1 Computer operator I
Public works & highways	
Public works	1 Public works engineer II

2 Prohibition During the Fiscal Year Ending June 30, 1971. All the authorized vacant classified positions listed in section 1, excepting in the state library the 1 clerk typist I and in public works the 1 public works engineer II shall not be filled for the entire fiscal year ending June 30, 1971 and the applicable appropriations made to pay the salaries for all said positions for said entire fiscal year are



each hereby reduced by the amount needed to make such applicable payments and all said amounts shall not be transferred into the salary adjustment fund pursuant to RSA 99:4 but shall lapse into the general fund on July 1, 1970.

3 State Personnel Study Commission. There is hereby established a state personnel study commission, consisting of fifteen members, who shall be appointed as follows: Five members shall be appointed by each of the following; the speaker of the house of representatives, the president of the senate and the governor. The members shall not receive any salary, but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties under this act.

4 Powers of the Commission. The commission is authorized and empowered for the purposes of this act:

I. To apply for, receive, accept, make use of and expend funds, services or personnel from any public or private sources;

II. To hire, employ or contract with any person.

5 Duties of the Commission. The commission shall:

I. Make a thorough evaluation of the state personnel system;

II. Cause a performance audit to be made of the state personnel department;

III. Review the existing laws and regulations relating to state employees, and report on such revisions as seem desirable for the betterment of state service;

IV. Ascertain the cost, and administrative requirements necessary for establishing in-service training programs for classified employees, for the biennium beginning July 1, 1971.

V. Ascertain the cost and administrative requirements necessary for establishing a discretionary fund for rewarding worthy state employees, for exceptional service to the state.

6 Report and Recommendations. The commission shall submit a final report by January 15, 1971 to the 1971 session of the general court.

7 Appropriation. The sum of fifteen hundred dollars is hereby appropriated for the purposes of sections 3, 4, 5 and 6 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Merit Rating System. Amend RSA 98 by inserting after section 19 the following new subdivision:

#### The State Personnel Merit Rating System

98:20 New Employees. Before any person shall be permanently hired in the classified service of the state, he shall serve a probationary period. At least twice during said probationary period the person shall have his work reviewed as provided by this chapter by his immediate superior. At the termination of the probationary period, the chief executive of the employing authority, with the advice of the employee's immediate supervisor, shall consider all work review reports in addition to the examination results and other relevant matters before said person shall be permanently in the classified service of the state.

98:21 Instructions. All employees shall be instructed relative to their responsibilities and given a copy of the job description, his rights and privileges therein. Work proficiency shall be a measure of performance versus the job description standard.

98:22 Annual Review. Annually, during the month of the employee's employment anniversary, a review of work performance shall be made of all permanent classified employees by the person who directly supervised his work.

98:23 Evaluation Reports. The evaluation of personnel required by this chapter shall be written on such forms as the director of personnel shall provide and shall contain information relative to the subjects of job performance, conduct, adaptability and such other qualifications as the director may deem necessary for the best interest of the state of New Hampshire. The annual rating shall conform to the following program:

I. The merit rating shall be prepared by the employee's immediate supervisor.

II. Said supervisor shall review the merit rating with his supervisor to insure objectivity and fairness.

III. The immediate supervisor shall then discuss the merit rating with the employee regarding reactions, changes and/or mutually agreed programs for improvement.

IV. All employees shall have the right of appealing his merit rating through the normal accepted procedure as set forth in the rules and regulations of the department of personnel.

V. Should the immediate supervisor fail to make the required number of reviews and merit ratings required by this chapter, disciplinary action shall be taken by the department head or the chairman of a commission, to assure that the supervisor shall properly and efficiently conduct the work reviews and merit ratings specified in this chapter.

VI. Copies of the final report shall be filed with the chief executive officers of the department or institution and with the director of personnel. Said report shall be confidential and shall be used by the director of personnel or the appointing authority before any person is given permanent status as a classified state employee or before such an employee is promoted or his position changed.

9 Appropriation. The sum of \$4,500.00 is hereby appropriated to the state personnel commission to implement section 8 of this act for the fiscal years ending June 30, 1970 and June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Abolishment of Classified Positions. Amend RSA 98 by inserting after section 17-b the following new section:

98:17-c Committee to Recommend Abolishment of Classified Positions. There is hereby established a legislative committee to recommend the abolishment of classi-

fied positions. The committee shall consist of five members of the house appointed by the speaker and three members of the senate appointed by the president. The term of office of all members shall be for the balance of the terms for which they were elected to the general court at the time of their appointment and their term shall end in any case when they cease to be a member of the general court, provided however that they shall continue as members until their successors are appointed and qualified. The committee shall make a continuing study of all vacancies in the classified service of the state and as often as it deems advisable shall recommend the abolishment of any such positions as are vacant to the governor's new positions committee. Upon the receipt of any such recommendation said new positions committee may, with the approval of the governor and council, abolish any such positions so recommended and any such so abolished positions shall not be filled and the applicable appropriations made to pay the salaries for all said abolished positions shall from the date of such abolishment each be reduced by the amount needed to make such applicable payments. All said amount shall not be transferred into the salary adjustment fund pursuant to RSA 99:4 but shall lapse immediately into the general fund or the applicable special fund.

11 Effective Date. This act shall take effect upon its passage.

Rep. Craig answered questions at the request of Rep. Williamson.

Reps. Drake and Angus spoke in favor of the motion.

(discussion)

Rep. Shirley Clark answered questions at the request of Rep. Newell.

Rep. Newell spoke against the motion.

Amendment adopted.

Ordered to third reading.

## **HB 9**

establishing a commission to study state personnel procedures and making an appropriation therefor. Rep. Goff for

Appropriations. Inexpedient to legislate, covered by pending legislation.

Resolution adopted.

### HB 11

establishing a state personnel merit rating system. Rep. Saunders for Appropriations. Inexpedient to legislate.

Resolution adopted.

### HB 39

providing for full disclosure in land sales and making an appropriation therefor. Rep. Craig for Appropriations. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out RSA 356-A:2 as inserted by section 1 and inserting in place thereof the following:

356-A:2 Administration. There is hereby added to the office of attorney general, division of consumer protection, such investigators, clerical, stenographic and other staff as the attorney general may appoint within the appropriation made therefor. Said staff shall be in addition to all other staff provided for the office of attorney general and shall enforce and administer the provisions of this chapter, subject to the supervision of the attorney general, and perform such other duties as the attorney general may from time to time assign.

Further amend the bill by striking out sections 2, 3, 4 and 5 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of nine thousand, six hundred thirty-five dollars for fiscal year 1970, and the sum of thirty-nine thousand, four hundred sixty-five dollars for fiscal year 1971, to be expended by the attorney general for the purposes of this act as follows:

	1970	1971
Permanent personnel		
2 Investigators (labor grade 19)	4,000	16,156
Legal steno II (labor grade 10)	1,500	5,309

Equipment		
Desks and chairs (3)	1,000	0
Typewriter and stand (1)	535	0
File cabinets	600	0
Current expenses	1,000	2,000
Enforcement expenses		10,000
Travel		
In state	500	4,000
Out-of-state	500	2,000
	<hr/>	<hr/>
Totals	9,635	39,465

This appropriation shall be in addition to all other appropriations for the office of attorney general. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. RSA 356-A:4 as inserted by section 1 shall take effect July 1, 1970, and the remainder of this act shall take effect upon its passage.

Rep. Craig explained the amendment.

Rep. O'Neil spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

## HB 6

providing for consumer protection and making an appropriation therefor. Rep. Craig for Appropriations. Ought to pass.

Rep. Craig offered the following amendment and moved to suspend the Rules to dispense with the reading of the amendment.

Adopted.

## AMENDMENT

Amend the bill by striking out Section 4 of the bill and inserting in place thereof the following:

4 Appropriation. There is hereby appropriated the sum of eleven thousand six hundred and eighty-five dollars for fiscal year 1970, and the sum of forty-three thousand,

six hundred ninety-one dollars for fiscal year 1971, to be expended by the attorney general for the purposes of this act as follows:

	1970	1971
Assistant attorney general	2,650	15,226
Permanent personnel		
2 Investigators (labor grade 19)	4,000	16,156
Legal steno II (labor grade 10)	1,500	5,309
Equipment		
Desks and chairs (3)	1,000	0
Typewriter and stand (1)	535	0
Current expenses	1,000	2,000
Travel		
In state	500	4,000
Out-of-state	500	1,000
	<hr/>	<hr/>
Totals	11,685	43,691

This appropriation shall be in addition to all other appropriations for the office of attorney general. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. O'Neil explained the bill as amended.

### PARLIAMENTARY INQUIRY

Rep. Bittenbender rose on a point of parliamentary inquiry.

The Speaker stated the member was correct. This bill was not directly a recommendation of the Task Force.

Rep. Drake answered questions at the request of Reps. Trowbridge, Claflin and Roma Spaulding.

Rep. Craig explained the amendment.

Amendment adopted.

Ordered to third reading.

### ENROLLED BILLS REPORT

HJR 4 naming the David Wayne Hildreth Dam.

Roxie A. Forbes  
For the Committee

Accepted.

## COMMITTEE REPORTS CONTINUED

**HB 28**

providing for medical facilities at the industrial school and making appropriation therefor. Rep. McGinness for Appropriations. Inexpedient to legislate.

Rep. Trowbridge moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Weeks explained the committee report.

Rep. Raiche spoke in favor of the motion.

(discussion)

Rep. Cleon Heald spoke against the motion.

Rep. Maloomian moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being on the motion to substitute, ought to pass, for inexpedient to legislate.

Adopted.

Ordered to third reading.

**HB 4**

establishing a department of housing and making an appropriation therefor. Rep. Saunders for Appropriations. Inexpedient to legislate.

Rep. Michels moved that the words, ought to pass, be substituted for inexpedient to legislate, and spoke in favor of the motion.

Reps. deBlois, Bittenbender and Bednar spoke against the motion.

(discussion)

Reps. Trowbridge, Bodge and Bowles spoke in favor of the motion.

Rep. MacKenzie moved the previous question; sufficiently seconded.



The question being, shall the main question now be put.

Adopted.

The question now being on the motion to substitute, ought to pass, for inexpedient to legislate.

Rep. Michels requested a division and subsequently withdrew his motion.

Motion lost.

Resolution adopted.

### HB 3

establishing an office of community affairs and making an appropriation therefor. Rep. Saunders for Appropriations. Inexpedient to legislate.

Rep. Shirley Clark moved that the words, ought to pass, be substituted for, inexpedient to legislate, and spoke in favor of the motion.

Rep. Bittenbender spoke against the motion.

(discussion)

Reps. Radway and George Roberts spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question.

The question being, shall the main question now be put.

Adopted.

Question now being on the motion to substitute, ought to pass, for inexpedient to legislate.

Motion lost.

Resolution adopted.

### HB 53

relative to sick leave for employees of the city of Manchester. Rep. Raiche for Manchester Delegation. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 The City of Manchester. Amend section 1 of chapter 291 of the Laws of 1943 by striking out said section and

inserting in place thereof the following: 1. City of Manchester. Annual accumulative sick leave for permanent municipal and school district employees shall be determined by the Board of mayor and aldermen and the board of school committee respectively. Such sick leave shall not lapse.

The Clerk read the amendment in full.

Rep. Raiche explained the bill.

Amendment adopted.

Ordered to third reading.

#### **HB 55**

relative to tax exemption for Nutfield Heights Inc., a community housing project for elderly persons. Rep. Hanson for Municipal and County Government. Ought to pass.

Ordered to third reading.

#### **HB 37**

clarifying the public hearing requirements and the duties of municipal boards relative to bond and note issues in excess of twenty thousand dollars. Rep. Hanson for Municipal and County Government. Ought to pass with amendment.

### **AMENDMENT**

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Town Bonds and Notes. Amend RSA 33:8 (supp) as amended by 1969, 438:2 by striking out said section and inserting in place thereof the following:

33:8 Town or District Bonds or Notes.

I. Except as otherwise specifically provided by law, the issue of bonds or notes in excess of fifty thousand dollars by any municipal corporation, except a city, shall be authorized by a vote of a majority, and the issue of tax anticipation notes, and the issue of bonds or notes under the provisions of RSA 31:94-d by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose; provided, however, that no such action taken at any special

meeting shall be valid unless a majority of all the legal voters are present and vote thereat, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting, the same authority as an annual meeting and provided further that the warrant for such special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting thereof. The vote to authorize the issuance of bonds or notes in excess of fifty thousand dollars, except tax anticipation notes, and bonds or notes to be issued under the provision of RSA 31:94-d, shall be conducted by the use of printed ballots, as provided in paragraph II. The voting and counting procedures provided in RSA 59 shall be followed by the election officials of the municipality in conducting said vote. The warrant for any such annual or special meeting shall be served or posted at least fourteen days before the date thereof. Every warrant shall be deemed to have been duly served or posted, if the return thereon shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority thereof, and countersigned by the treasurer of the municipality and shall have the corporate seal, if any, affixed thereto. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale thereof, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

II. (a) If the town, village district, school district or cooperative school district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed appropriation shall be presented to the voters of the town, village district, school district, or cooperative school district by the inclusion of the following question on the said official ballot, as prepared by

the town, village district, school district, or cooperative school district clerk;

“Are you in favor of the adoption of the appropriation in the amount of \$. . . . . for the purpose of . . . . .?”

Yes . . . . No . . . .

(b) If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated and the meeting shall open not later than noon and shall remain open at least eight hours.

(c) If such action is to be taken at a meeting in a town, village district, school district, or cooperative school district which has not adopted an official ballot, the clerk shall likewise prepare a special ballot for the use of voters in voting on the question.

(d) When submitting any question to the voters under this paragraph, the form of the ballot shall be as prescribed by RSA 59:12-a.

III. The provisions of RSA 33:8 and 8-a as herein amended shall only apply to municipal corporations having 750 or more voters as shown by the check list.

2 Hearing Required. Amend RSA 33:8-a (supp) as inserted by 1969, 438:1 by striking out said section and inserting in place thereof the following: 33:8-a Hearing to be Held. There shall be a public hearing concerning any proposed issuance of municipal bonds or notes in excess of fifty thousand dollars held before the governing board of any municipality except a city at which interested citizens shall have an opportunity to be heard. Said public hearing shall be held at least twenty-five days prior to the meeting at which the issuance of municipal bonds or short term notes is to be voted upon. Notice of the time, place, and subject of such hearing shall be published twice in a newspaper of general circulation in the municipality at least ten days before it is held. At the said public hearing the governing board shall by majority vote determine the final form and amount of the approval pursuant to the provisions of RSA 33:8.

3 When Hearing is Not Required. Amend RSA 33 by inserting after section 8-a (supp) as inserted by 1969, 438:1 the following new section: 33:8-b Hearing Not Required. The public hearing required by RSA 33:8-a shall not apply to notes or bonds in excess of fifty thousand dollars to be issued under the provisions of RSA 31:94-d or to be issued as tax anticipation notes.

4 Effective Date. This act shall take effect sixty days after its passage.

Rep. Hanson moved that the reading of the amendment be dispensed with.

Adopted.

Rep. Hanson explained the bill as amended.  
(discussion)

Rep. Hanson yielded to Rep. Bednar to answer questions.

Rep. Russell Chase spoke in favor of the amendment.

On a vv the Chair was in doubt and requested a division.

The division being manifestly in the negative, the amendment lost.

Rep. Hanson moved that the bill be read a third time.

Rep. Hanson explained the bill at the request of Rep. McMeekin.

(discussion)

Rep. Russell Chase spoke against the motion.

The question being, shall HB 37 be ordered to a third reading.

Motion lost; the bill was not ordered to a third reading.

## HB 12

repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. Rep. Hanson for Municipal and County Government. Inexpedient to legislate.

Rep. Russell Chase moved that the words, ought to pass, be substituted for, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

(Rep. O'Neil in the Chair)

Reps. Scamman, Nixon, Greene, Hanson, Elmer Johnson and MacIntosh spoke in favor of the motion.

Reps. Senter and Casassa spoke against the motion.

(Speaker in the Chair)

Rep. Shirley spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

The question being on the motion, ought to pass, be substituted for, inexpedient to legislate.

Ordered to third reading.

Rep. Kenneth Spalding requested a division.

The division vote being manifestly in the affirmative, the bill was ordered to a third reading.

## RESOLUTION

*Whereas*, there is pending before the House of Representative House Bill No. 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax, and

*Whereas*, questions have been raised concerning the constitutionality of said bill, now therefore be it

*Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Would any constitutional provisions of the state or of the United States be violated by exempting from taxation residential real estate owned by residents seventy years of age or over under certain conditions as set forth in said bill.

Be it Further Resolved that the speaker transmit seven copies of this resolution and of House Bill No. 35 to the clerk of the Supreme Court for consideration by said Court.

Adopted.

Rep. Wallin called for

**HB 32**

providing for a board of registrars for the city of Nashua, and moved that the bill ought to pass with amendment.

**AMENDMENT**

Amend the title of said bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for a board of registrars for the city of Nashua.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Board of Registrars, City of Nashua. Amend laws of 1913, 427 part I by striking out sections 29 and 29-a, as inserted by 1969, 627:28 and inserting in place thereof the following new sections:

**Board of Registrars**

Sect. 29. The mayor, subject to confirmation of the board of aldermen, shall appoint three voters of Nashua, who shall constitute a board of registrars of voters. No more than two members of the board shall be members of the same political party. On or before January first the mayor shall appoint one registrar for a term of three years beginning January 1, provided that for the first appointments hereunder one shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each of said registrars shall hold office until his successor is appointed and has qualified. The board of registrars shall annually elect one of its members as chairman and one as clerk.

Sect. 29-a. If upon written complaint to the mayor it shall appear, after notice and hearing, that a registrar of voters has ceased to be a member of the political party which he was appointed to represent, the mayor shall remove him from office and appoint another in his stead with the approval of the board of aldermen.

Sect. 29-b. The registrars shall receive such compensation for their services as the board of aldermen may determine.

Sect. 29-c. No person shall be appointed a registrar or deputy registrar who holds any other political office, appointive or elective.

2 Duties. Amend laws of 1913, 427 part 1 by striking out section 30 and inserting in place thereof the following new sections.

Sect. 30. The board of registrars of the city of Nashua is hereby empowered to appoint from time to time as deputy or deputies one or more employees, who may execute any instrument required by law to be signed by a member of the board of registrars, and in the absence or disability of a member of the board of registrars shall perform all of his duties, including the registration of voters. Such deputy registrars shall hold office during the pleasure of the board of registrars.

Sect. 30-a. The said board of registrars or their deputies shall be in session at the city hall building, or at such other suitable place as they shall designate, for the purpose of registering voters and revising and correcting the checklist, during business hours of city hall and at such other times as they may designate.

Sect. 30-b. The registrars shall cause no additions or corrections to be made on the checklists after midnight fourteen days prior to election day.

Sect. 30-c. The registrars shall post three complete alphabetical checklists containing the names and addresses of legal voters of said ward in each ward in the city not later than thirty days prior to the date on which state or municipal, biennial or annual elections are held or any other election at which such checklists are to be used. A corrected checklist shall be posted in the same places the day before the election.

Sect. 30-d. The registrars shall keep records of all persons qualified to vote in the city in sufficient detail to identify the voters and their rights to vote. To maintain a correct list of voters the registrars may utilize the poll and head tax census taken by the city besides all other inquiries and information.



Sect. 30-e. Every qualified person who wishes to become a registered voter must apply in person for registration and prove by satisfactory evidence that he or she is qualified to vote.

Sect. 30-f. Any person who attempts fraudulently to have his name entered on the general register shall be liable to a fine not exceeding fifty dollars for each such attempt.

Sect. 30-g. If a person is not qualified to vote on or before the last day of registration but who shall clearly be qualified to vote on election day the registrars shall enter his name on the checklist on or before the last day of registration.

Sect. 30-h. If a registered voter complains to the registrars in writing under oath, fourteen days at least before an election, that the complainant believes that a person has been improperly registered, and sets forth the reasons for such belief, the registrars shall examine into such complaint. If satisfied there is sufficient ground for complaint, the registrars, after proper notice and opportunity for all persons concerned to be heard, shall rule on said complaint. The board shall have power to subpoena witnesses at public expense and to administer oaths. The person against whom such complaint is made shall have a right to a public hearing upon demand.

Sect. 30-i. All records of the board of registrars shall be open to public inspection.

Sect. 30-j. Registrars shall prepare voting lists by wards for use at elections and deliver them to the ward election officials before the opening of the polls on election day.

Sect. 30-k. The registrars shall, on the day of an election, give to a voter whose name has been omitted from the voting list by error, or whose party designation has been incorrectly designated by error, a certificate or registration authorizing him to vote. On presentation thereof to the presiding election officer of the ward in which the voter was registered, he shall be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered part of the voting list and returned and

preserved therewith. For this purpose the registrars and/or their deputies shall be in session at city hall during the hours the polls are open.

Sect. 30-l. The registrars shall, after the last day for registration for a city or state election, certify to the city clerk the number of registered voters in the city and in each ward therein.

Sect. 30-m. Any provisions of the charter of the city of Nashua referring to inspectors of checklist, not inconsistent with the provisions of this act, shall apply to the board of registrars hereby established.

3 Referendum. At a municipal meeting to be held in the city of Nashua on November 3, 1970, on the same date as the state biennial election is held, under a warrant to be posted therefor, the city clerk shall prepare a special ballot to be used at said meeting thereon the following question: "Shall the provisions of an act entitled 'An Act providing for a board of registrars of voters' as enacted by the 1970 session of the general court be adopted?" Opposite this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of the voters present and voting on this question shall vote in the affirmative on this question, this act shall be declared to have been adopted. The city clerk shall immediately notify the secretary of state of the results of the vote provided for by this section.

4 Effective Date. Section 3 of this act shall take effect upon its passage and if the act is adopted at the municipal meeting on November 3, 1970, the remainder of the act shall take effect as of January 1, 1971 and the terms of office of the members of the board of inspectors of the checklist elected on the state ballot at the biennial elections held on November 3, 1970, shall expire as of January 1, 1971.

Rep. Bouchard spoke against the motion.

Reps. Helen Barker and Drabinowicz spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

The question being on the motion, ought to pass with amendment.

Adopted.

Ordered to third reading.

### RESOLUTION

offered by the Nashua Delegation

### RESOLUTIONS

*Whereas*, we have learned with regret of the death of John B. Dionne, former Representative from Nashua, and

*Whereas*, Mr. Dionne served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

\* \* \*

Adopted.

### RESOLUTION

Representatives Davis, Fortier and Studd offered the following resolution, H.C.R. 5.

The action of the Governor in initiating a feasibility study of the extension of the Spaulding Turnpike northward along Route 16 is commended and the Commissioner of Public Works and Highways is urged to implement the Governor's instruction as expeditiously as possible in accordance with Chapter 256:1 (K), (L) and (M) of the RSA. The results of the study thus provided shall be filed with the Secretary of State prior to convening of the 1971 Session of the General Court.

The House and Senate recognize the economic importance to the State's northern and eastern communities of accelerating

the construction of Route 16 to higher standards. A northerly extension of the Spaulding Turnpike to the extent found feasible by the study hereinbefore mentioned appears to afford the earliest and most logical means of accomplishing such acceleration.

Adopted.

### JOINT RESOLUTION

Reps. Bridges and Cares offered the following Joint resolution.

relative to ascertaining the sense of the people of the state on the question of authorizing dog racing in the state.

The secretary of state is hereby directed to insert on the state ballot for the biennial election to be held in November, 1970, the following question: "Do you approve of authorizing dog racing in this state?" This question shall be inserted on said ballot as provided by RSA 59:12. The selectmen of the several towns, cities, wards and places in the state are directed to insert in their warrants for said November 1970 election an article to the following effect: To take the sense of the qualified voters of the town whether dog racing should be authorized in this state. Each city and town clerk is directed to forward to the secretary of state, in connection with his report of the results of said election, the result of the vote, if any, in his city or town, on the question hereinabove provided. The secretary of state is directed to canvass the vote on this question and to report the results to the 1971 session of the general court.

The question being on the introduction of the Joint resolution.

Reps. Bridges and Raiche spoke in favor of the joint resolution.

Rep. O'Neil spoke against the Joint resolution.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

The question being on the introduction of a Joint resolution.

On a vv the Chair was in doubt and requested a division.

131 members voting in the affirmative and 141 in the negative, the motion lost.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills be read by title only, Resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

(Rep. O'Neil in the Chair)

### LATE SESSION THIRD READING

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.

### RECONSIDERATION

Rep. MacDonald, having voted with the majority, moved that the House reconsider its action whereby it passed HB 2.

Motion lost.

HB 10, increasing the appropriation for the New England board of higher education for the fiscal year ending June 30, 1971.

HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor.

HB 23, relative to the control of algae and other aquatic nuisances.

HB 50, relative to the firemen's retirement system.

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse.

HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education.

HB 51, making supplemental appropriations for the expense of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971.

HB 38, abolishing certain classified positions and lapsing appropriations into the general fund; establishing a commission to study state personnel procedures and making an appropriation therefor; establishing a state personnel merit system and making an appropriation therefor; and establishing a committee to recommend the abolishment of classified positions.

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

HB 6, providing for consumer protection and making an appropriation therefor.

HB 28, providing for medical facilities at the industrial school and making an appropriation therefor.

HB 53, relative to sick leave for employees of the city of Manchester.

HB 55, relative to tax exemption for Nutfield Heights Inc., a community housing project for elderly persons.

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities.

HB 32, providing for a board of registrars of voters and centralized voter registration with the city clerk in the city of Nashua.

HJR 1, appropriating funds to convert the heating system at the state prison to oil.

HJR 3, appropriating additional funds for the interest and dividends tax division of the state tax commission.

Rep. Raiche moved adjournment at 5:57 P.M. wishing Rep. Vachon a speedy recovery from his illness.

*Wednesday, 15Apr70*

(Rep. O'Neil in the Chair)

Rev. W. L. Shafer, House Chaplain, offered prayer.

Our Heavenly Father — we adore Thee, whose nature is compassion, whose presence is joy, whose Word is truth, whose spirit is goodness, whose holiness is beauty, whose will is peace, whose service is perfect freedom, and in knowledge of whom we find our faith for this day and all days — unto Thee be all honor and glory. Hear now our supplications for this day: for the continued safe journey of the crew of Apollo 13 in their homeward race; that this world in which we live may achieve responsible peace; that our “Granite State” and her citizens may prosper; that as we bear our legislative duties this day we strive to build the better world; and finally, that our lives may honor all that is good and just. Amen.

Rep. Fox led the Pledge of Allegiance.

Reps. Angus, Goode and Fortin were granted leave of absence for the day on account of important business.

Rep. Desilets was granted leave of absence for today and tomorrow on account of important business.

(Speaker in the Chair)

## COMMITTEE REPORTS

### SB 10

relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars. Rep. Hanson for Municipal and County Government. Ought to pass with amendment.

## AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act  
repealing the provisions for the imposition of the poll  
taxes.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Poll Tax Repealed. RSA 72:1 (supp) as amended by 1967, 206:1, RSA 72:2 (supp) as amended by 1967, 206:2, RSA 72:3 and RSA 72:5, imposing poll taxes, are hereby repealed.

2 Effective Date. This act shall take effect as of April 1, 1971.

Rep: O'Neil moved that SB 10 be laid on the table until after debate on CA CR 4.

Adopted.

### SENATE MESSAGE

#### INTRODUCTION OF SENATE BILLS

First, second reading & reference

SB 6, relative to the real estate commission and making an appropriation therefor. To Executive Departments & Administration.

SB 7, retifying the compact for education, and making an appropriation therefor. To Appropriations.

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above. To Executive Departments & Administration.

SB 19, transferring the office of planning and research to the office of the governor. To Executive Departments & Administration.

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title. To Transportation.



SB 23, increasing the appropriation for the southwestern state park, extending the time for the expenditures of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. To Public Works.

SB 24, reducing the appropriation for a data processing building, providing for the lease of additional office space and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing. To Public Works.

SB 27, relative to the air pollution commission. To Resources, Recreation & Development.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school. To Education.

SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments. To Municipal & County Government.

SB 31, relative to the purchase, sale and transportation of explosives and making an appropriation therefor. To Public Works.

SB 34, relative to the salaries of the justices and clerks of Manchester district court and relative to the distribution of reports of the Supreme Court and Revised Statutes Annotated. To Manchester Delegation.

SB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the director provides. To Transportation.

SB 37, relative to fees for medical referees. To Municipal & County Government.

### UNANIMOUS CONSENT

Rep. Drake requested unanimous consent to address the House; consent granted.

Rep. Greenwood moved that Rep. Drake's remarks be printed in today's Journal. (Will appear in Journal of April 16.)

Adopted.

## COMMITTEE REPORTS

## CA-CR 4

Proposing A Constitutional Amendment Relating To: Granting the legislature greater flexibility in raising public revenue through the power to tax, and Providing That: Property other than land may be classified by kind, use or amount and such classes taxed differently. Rep. Galbraith for Ways and Means. Ought to pass.

## PARLIAMENTARY RULING

The Speaker stated that the rule regarding indefinite postponement is a House Rule, not a Joint Rule, and read House Rule 24 and Rule 9.

The Speaker ruled that because this Concurrent Resolution was not indefinitely postponed by the House it could lie. Because it is a Constitutional Amendment it will take a 60% vote of the elected membership, or 239 affirmative votes for passage.

## PARLIAMENTARY INQUIRY

Reps. Newell, Belcourt and Maynard rose on a point of parliamentary inquiry.

The Speaker was advised by legal counsel that new members should take the oath of allegiance before voting on any issue.

The Speaker read Article 84 of the Constitution and ruled that any new member not having subscribed to the oath would not count in determining the 60% vote of the House.

The Speaker further informed the House the Secretary of State had informed him that all members have subscribed to the oath of allegiance and the correct number is 397, 239 being necessary for passage.

Reps. Raiche and Nixon spoke in favor of CA-CR 4.

Reps. Lawton and MacIntosh spoke against CA-CR 4.

(discussion)

Rep. Reddy spoke in favor of CA-CR 4 and read the question to be put before the people as approved by the Ways and Means committee.

Rep. Reddy yielded to Rep. Galbraith to answer questions.

Reps. Coutermarsh, Bittenbender and Levesque spoke against CA-CR 4.

(discussion)

Reps. Cares, deBlois, Logan, D'Amante, Bodge and Murray spoke in favor of CA-CR 4.

Rep. Coutermarsh requested the yeas and nays; seconded by Rep. Goedecke.

The question being: shall CA-CR 4 be ordered to third reading.

## ROLL CALL

YEAS: 209 — NAYS: 143

### YEAS

#### HILLSBOROUGH COUNTY:

Aucella, Sawyer, Brown, H. Allen, Knight, Poehlman, Weillbrenner, Nixon, Murray, Karnis, Carter, Ferguson, Spalding, Kenneth W., Brocklebank, Wallin, Barker, Helen A., Cote, Margaret S., Boisvert, Wilfred A., Kenney, Cares, Watson, Van Loan, Carmen, Carrier, Zachos, Duhaime, Armand L., Betley, Craig, Campono, Champagne, Chevrette, Bower, Derome, Raiche, Walsh, Michael P., Belanger, O'Connor, James P., Sweeney, Storm, Arthur, Levasseur, Nalette, Allard, Lambert, Lavallee, Lagasse, Burke, Grady, McGrail.

#### MERRIMACK COUNTY:

Andrews, Bigelow, Storm, Irene, Reddy, Hanson, Enright, Goff, Robinson, Bartlett, Avery, Bent, Burleigh, Dempsey, Greeley, Mattice, Welch, Alfred E., Michels, Cate, York, Edward H., Davis, Alice, Cheney, Charles H., Sr., McLane, Phillips, Horan, Smith, Roger A., Andersen, Chris K., MacDonald, Sanders, Fuller, Glavin, Newell, Howard, C. Edwin, Chase, Lila S., Welch, Shirley B., Tarr.

## ROCKINGHAM COUNTY:

Fernald, Stimmell, Griffin, Hall, Ormiston, Read, Maurice W., Tarbell, DeCesare, Gelt, Morrison, Marden, Underwood, Goodrich, Hoar, Scamman, Eastman, Gage, Junkins, Fiske, Casassa, Brown, Stanwood S., Shindledecker, Leavitt, Greene, Hammond, Weeks, Maynard, McEachern, Archie D., Bowles, Dorley, Quirk, Connors, Bodge, Coussoule, Splaine, Bowlen, Croft.

## STRAFFORD COUNTY:

Morrow, Clark, Shirley M., Cochrane, Shirley, Tirrell, Hebert, Dumais, Thompson, Barbara C., Leighton, Pray, Fellows, Murphy, Peter J., Kinney.

## SULLIVAN COUNTY:

Logan, Gaffney, Rousseau, Omer A., Angus, Campbell, Nahil, Spaulding, Roma A., Barrows, D'Amante, Downing, Saggiotes, Tracey, Frizzell, Galbraith, Williamson.

## BELKNAP COUNTY:

Allan, Stuart B., Roberts, Charles B., Randall, Earle F., Nighswander, Roberts, George B., Mutzbauer, deBlois, Normandin, Head, Prescott, Dulac, Randlett, Foster, Claude W.

## CARROLL COUNTY:

Hayes, Hickey, Chase, Russell C., Claflin, Fox.

## CHESHIRE COUNTY:

Churchill, Danielchik, Austin, Cournoyer, McGinness, Allen, James F., Halvorson, Hackler, Thompson, Willard L., O'Neil, Battenfeld, Raymond, Pollock, Mackenzie, Walker, Barker, Sheldon L., Drew, Harold F.

## COOS COUNTY:

Marsh, Noyes, Hunt, Manning, A. George, Drake, Shute, O'Hara, Oleson, Fortier, Studd, McQuin, Theriault, Richardson, Mabel L.

## GRAFTON COUNTY:

Bennett, Phil A., Park, Cone, Nutt, Radway, Smith, Manson B., Dow, Duhaime, Roger M., Tremblay, Dudley, Ellms, Blain, Bell, Karsten.

Burns absent but in favor.

## NAYS

## HILLSBOROUGH COUNTY:

Eaton, Bittenbender, Vallee, Heald, Philip C., Jr., Bragdon, Bridges, Bouchard, Record, Belcourt, Lesage, Drabnowicz, Mason, Desmarais, LaChance, Poliquin, Bouley, Chamard, Aubut, Boisvert, Ralph W., Sirois, Bissonnette, Coutermarsh, Bednar, Lynch, Buker, Loxton, Soucy, Montplaisir, Murphy, Francis, Nyberg, Cote, Joseph, Dion, Leo L., Cullity, McDermott, Manning, Thomas E., Walsh, Edward J., Barrett, Casey, Clancy, Lomazzo, O'Connor, Michael F., LaFrance, Leclerc, Martel, Thibeault, Goedecke, Clear, Nourie, Lesmerises.

## MERRIMACK COUNTY:

Gamache, Mousseau, Kopperl, Gilman, Laroche, Henry, Howland.

## ROCKINGHAM COUNTY:

Persson, Adams, Gay, Kimball, Senter, Smith, Philip A., Clark, Ernest D., White, George W., Sr., Palmer, Schwaner, Spollett, Cummings, Greenwood, Sewall, Twardus, Varrill, Hamel, Randall, Anthony T., Cheney, George L., Keefe, Dame.

## STRAFFORD COUNTY:

Dawson, Drew, Robert B., Joncas, Maloomian, Habel, Chasse, Boire, Rolfe, Berkey, Vickery, Beaudoin, Levesque, Preston, Smith, Richard L., Tripp, Peabody, Raymond B., Bernard, Webber, Young, Parnagian, Richardson, Harriett W. B., Torr.

## SULLIVAN COUNTY:

Mackintosh, Coggeshall, Merrifield.

## BELKNAP COUNTY:

Lawton, Wuelper.

## CARROLL COUNTY:

Howard, Donald K., Davis, Esther M., Cox, Remick, Davis, Dorothy W.

## CHESHIRE COUNTY:

Ballam, Forbes, Bennett, Jennie B., Johnson, Elmer L., Saunders, Callahan, Heald, Cleon E., Moran.

## COOS COUNTY:

Huggins, Bushey, Dubey, Roy, Edgar J., Desilets, York, Elmer H., Brungot, Lemire, Gagnon, Parent, Thurston.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Tilton, Higgins, McGee, Brummer, Chamberlin, McMeekin, Anderson, Fayne E., Foster, Carl P., Merrill, Hopkins, Buckman, Bradley.

William Gardner absent but against.

209 members having voted in the affirmative and 143 in the negative, the motion failed.

Rep. Hanson moved that SB 10 be removed from the table.

Adopted.

Rep. Hanson explained the amendment at the request of Rep. Newell.

(discussion)

Reps. Levesque, Elmer Johnson, Stevenson, Hackler and Nixon spoke against the amendment.

(discussion)

Rep. Wilfrid Boisvert moved the previous question on the amendment and it was sufficiently seconded.

Adopted.

The question being on the adoption of the committee amendment.

Motion lost.

(discussion)

The question being on ordering the bill to third reading.

Rep. A. George Manning spoke against the motion.

Rep. Scamman spoke and requested a division.

The Speaker directed a division of the bill into two sections:

Section 1, reducing the age from 70 years to 68 years.

Section 2, increasing the amount from two dollars to three dollars, and stating the effective date of April 1, 1970.

Section 1 of SB 10 adopted, as follows:

1 Persons Liable. Amend RSA 72:1 (supp) as amended by 1967, 206:1 by striking out the same and inserting in place thereof the following: 72:1 Persons Liable. A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to sixty-eight years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars, conflicts or armed conflicts as defined in sections 28 and 32 of this chapter, and others exempt by special provisions of law.

Section 2 of SB 10 lost.

## PARLIAMENTARY INQUIRY

Rep. Bowles rose on a point of parliamentary inquiry, to ask what the effective date of the bill would be, inasmuch as the house had refused to adopt paragraph 2 of the bill which included the effective date.

The Speaker ruled that in the absence of an effective date in the bill, a bill is considered to be effective sixty days after passage.

The question now being, shall the bill be ordered to third reading.

Ordered to third reading.

Rep. Eaton moved that the rules of the house be so far suspended so as to dispense with the public hearing by the appro-

priations committee on the following listed Senate Bills, all of which have already had hearings in the Senate:

SB 7, ratifying the compact for education and making an appropriation therefor.

SB 12, relative to retirement credits for Teresa B. Demarais and Paul Hartigan.

SB 16, relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation.

Adopted by 2/3 vote.

### MILEAGE REPORT

Rep. Herbert Casassa for the Committee on Mileage presented the following report:

### MILEAGE REPORT

#### NEW MEMBERS

Town	Miles
Grafton County	
District No. 19 (Campton, Ellsworth, Holderness, Rumney, Thornton, Waterville Valley)	
Richard L. Bradley, Thornton	65
Hillsborough County	
District No. 2 (Deering, Hillsborough, Windsor)	
William P. Bittenbender, Deering	30
District No. 34 (Manchester, Ward 8)	
Gail E. Bower, Manchester	25
William H. Craig, Manchester	20



District No. 39 (Manchester, Ward 13)

Lucille C. LaGasse, Manchester 20

Merrimack County

District No. 27 (Concord, Ward 8)

Shirley B. Welch, Concord 6

Rockingham County

District No. 7 (Salem)

Philip A. Smith, Salem 46

District No. 20 (Hampton)

Stanwood S. Brown, Hampton 55

District No. 26 (Portsmouth, Ward 3)

Thomas P. Connors, Portsmouth 55

District No. 27 (Portsmouth, Ward 4)

J. Richard Bodge, Portsmouth 45

The Mileage Committee wishes to thank those members who served during the Special Session as Monitors and Alternates.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills be read by title only, Resolutions by captain only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

LATE SESSION  
THIRD READINGS

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

Rep. Maloomian moved adjournment at 2:19 P.M. in memory of the women and children killed in the Armenian Massacre on April 15, 1915.

*Thursday, 16Apr70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

ALMIGHTY GOD, who dost judge all men and nations not by what they seem, but by what they are — we pray that Thou would deliver us from all pride and arrogance. Enable us to serve Thee better and to love Thee more, to forget not Thy loving-kindness, and to share the blessings of truth and justice through the promotion of universal and responsible brotherhood.

We rejoice in the continuing success to bring the APOLLO 13 crew home safely. We pray for the successful completion of their hazardous journey tomorrow, knowing that every human effort is being exerted in their behalf, and knowing of their valiant efforts and performance thus far — Dear GOD, make it a good day tomorrow because we overcome fear with faith.

Amen.

Rep. Claffin led the Pledge of Allegiance.

Rep. Philip Heald was granted leave of absence for the day on account of important business.

Rep. John Welch moved that the rules of the house be so far suspended as to dispense with the public hearing by the Manchester Delegation on Senate Bill 34, relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated, which has already had a hearing in the Senate.

Adopted.

#### SENATE MESSAGE

Senate concurrence on HB 31, relative to the industrial development authority, and HB 34, to enlarge the authority of the New Hampshire Higher Education Building Corporation.

Rep. Drake's remarks under personal privilege on April 15:

For me this is rather a new adventure of what press coverage gives to this house and to the Appropriations Committee.

For those of you who happened to read the Concord Monitor of Tuesday (yesterday), I would just like to speak in relation to the irresponsibility of not double checking their facts before presenting for public consumption figures relating to appropriations. I have long been resistant to talking to members of the press or releasing to them figures which are not in completely documented form because the handing of a list of figures to a reporter does not make a fiscal expert out of him. It takes a few years to accumulate the knowledge and ability to interpret budgets properly. Now I would like to correct for those of you who may have read the misstatements which appeared in the Monitor and in the Manchester Union relating to the New Hampshire Hospital. The only figure which I gave to Mr. Rod Paul of the Concord Monitor was the figure of the net appropriation in the house supplemental appropriations bill, which was a valid figure. Under that category then came some suggestions of what happened in the hospital. In other places it may have appeared that this information emanated from me. I want you to know that it did not and it was a completely inaccurate and distorted account of what happened. It says under the suggested spending proposals reported by that committee that \$460,000 in extra financing for New Hampshire Hospital was cut to \$13,187. This happened to be one subdivision of the appropriation of the New Hampshire Hospital which provided two new jobs. I want you to know that the correct figure as was approved by the committee and the House yesterday was \$380,017 — the accurate and correct figure for what additional money was appropriated yesterday for the New Hampshire Hospital. That is a long, far cry from \$13,000. For a paper which has distribution within the capital of the state and which is distributed among the legislators and all the state departments, I can well imagine that this created quite a lot of furor yesterday. I think it particularly behooves a paper operating either statewide or in the state capital to be especially careful in their presentation of figures.

The next item in the paper states that the recommended \$250,000 for extra vocational educational aid was entirely eliminated. In fact, we appropriated \$100,000 for extra vocational education. I would just like to fill you in that the total appropriations that this added to was for \$1,090,000 in this same fiscal year of which \$975,000 was federal funds and the total state appropriation which we had previously made in this program

was actually roughly \$115,000 so we are in effect almost adding the total amount in the regular budget. If under a properly expanded program in the next biennium the additional \$100,000 were put in, it could generate almost \$900,000 in federal funds, and if we had spent \$250,000 it would not have generated one additional federal dollar, so the fact remains that we were extremely prudent in reserving our resources by allowing this to come before the next session when they would also have provisions to make allowances for federal funds.

The next item was the suggested \$250,000 for special education which was thinly spread between projects ranging from handicapped children to projects for emotionally disturbed children. What we recommended to you and you adopted is exactly what the departments had recommended to us for a breakdown in the participation of the four programs involved. We gave the departments exactly what they asked for in this category. They would have asked more and we would have liked more, but the breakdown came on their recommendation and not ours.

I just wanted to bring to the attention of this House and to the press that they have as great a responsibility as we have in presenting to the public an honest and undistorted picture.

## COMMITTEE REPORTS

### **SB 2**

creating the office of director of the budget and making an appropriation therefor. Rep. George Roberts for Appropriations. Ought to pass.

Ordered to third reading.

### **SB 9**

relative to the Pierce Brigade, Inc. Rep. Saggiotes for Appropriations. Inexpedient to legislate.

Rep. O'Neil moved Special Order for 11:01 Tuesday next.  
Adopted.

### **SB 12**

relative to retirement credits for Teresa B. Demarais and Paul Hartigan. Rep. Weeks for Appropriations. Ought to pass.

Ordered to third reading.

**SB 16**

relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor. Rep. Drake for Appropriations. Ought to pass.

Rep. Hoar spoke against the bill.

Rep. Drake spoke in favor of the bill.

Rep. Raymond answered questions at the request of Rep. Hoar.

(discussion)

Rep. Raymond yielded to Rep. Trowbridge to answer questions.

Reps. Shirley, O'Neil, Cochrane and Trowbridge spoke in favor of the bill.

Rep. Maloomian moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being, shall the bill be ordered to third reading.

Ordered to third reading.

**SB 26**

transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation therefor. Rep. George Roberts for Appropriations. Ought to pass.

Ordered to third reading.

**SB 3**

relative to the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel. Rep. Frizzell for Judiciary. Ought to pass with amendment.

**AMENDMENT**

Amend section 1 of the bill by striking out in lines 7 and 8 the words "provided however that the annual com-

pensation of the legal counsel shall not exceed nineteen thousand thirty-two dollars." so that said section as amended shall read as follows:

1 Staff. Amend RSA 4:12 by striking out the same and inserting in place thereof the following: 4:12 Governor's Staff. The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. He shall fix their compensation within the limits of the appropriation made therefor.

Further amend the bill by striking out section 2 and by renumbering sections 3 and 4 to read 2 and 3 respectively.

Rep. Brummer answered questions at the request of Rep. Bittenbender.

Amendment adopted.

Rep. Craig moved that the Rules of the House be so far suspended as to dispense with reference to committee on Appropriations.

Adopted by the necessary 2/3 vote.

Rep. Howland requested a quorum count and subsequently withdrew his request.

The question being, shall the bill be ordered to third reading.

Rep. Drake explained SB 3 at the request of Rep. Lawton.

(discussion)

Rep. Zachos answered questions at the request of Rep. Coburn.

Ordered to third reading.

### SB 30

relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments. Rep. Hanson for Municipal and County Government. Ought to pass.

(Rep. O'Neil in the Chair)

Rep. Maloomian spoke against the bill.

Rep. Hanson explained the bill.

(Speaker in the Chair)

The speaker ruled that because the subject matter of this bill had been indefinitely postponed in the regular session, a two-thirds vote would be required.

(discussion)

Reps. Morrison, Logan, MacIntosh and Bowles spoke in favor of the bill.

Ordered to third reading.

Rep. Maloomian requested a roll call and subsequently withdrew his request, and requested a division.

#### PARLIAMENTARY INQUIRY

Rep. Brummer rose on a point of parliamentary inquiry.

158 members having voted in the affirmative and 57 in the negative, the motion carried by the necessary 2/3 vote.

Ordered to third reading.

Rep. Brummer called for the Special Order on SB 32, relative to the Cooperative School District No. 1. Ought to pass.

Rep. O'Neil offered the following amendment:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

relative to the Cooperative School District No. 1 of the town of Derry and legalizing the school district meetings of the towns of Easton, Franconia, and Sugar Hill and legalizing the formation of the Lafayette Regional School District, and dissolving the charter of the Daniel Webster Junior College and transferring all its rights and degree granting authority to New England Aeronautical Institute.

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Proceedings Legalized. All the votes and proceedings of the annual school meetings March 5, 1970 of the

Easton, Franconia and Sugar Hill school districts are hereby legalized, ratified and confirmed, including but not limited to the adoption of the articles of agreement of the Lafayette Regional School District.

3 Legalizing the Formation of the Lafayette Regional School District. All actions, votes and proceedings taken to organize the Lafayette Regional School District pursuant to RSA 195 as amended, are hereby legalized, ratified, and confirmed.

4 Corporation Dissolved; Name and Degree Granting Authority Transferred. The charter of the Daniel Webster Junior College, a volunteer corporation formed under the provisions of RSA 292 is hereby repealed pursuant to RSA 292:20 (supp) and the corporation thereby dissolved. The name "Daniel Webster Junior College" together with all rights to use the same is hereby transferred to the New England Aeronautical Institute. All degree granting authority of the said Daniel Webster Junior College as provided in Laws of 1969, 552:1 is hereby transferred to the New England Aeronautical Institute.

5 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment in full.

Rep. O'Neil explained the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

Rep. McMeekin moved that the Rules of the House be so far suspended as to dispense with reference to committee and hearing on SB 18, authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state, and place SB 18 on third reading at the present time.

The Clerk read SB 18 in full.

Rep. McMeekin explained the motion.

Adopted by the necessary 2/3 vote.



The question being, shall SB 18 be ordered to third reading.

Ordered to third reading.

Adopted.

### UNANIMOUS CONSENT

Rep. Elmer Johnson addressed the House by unanimous consent.

(Rep. O'Neil in the Chair)

Rep. Cobleigh answered questions at the request of Rep. Elmer Johnson.

(discussion)

(Speaker in the Chair)

### COMMUNICATION

203 No. Broadway  
Salem, N. H. 03079  
April 13, 1970

House of Representatives  
Concord, N. H.  
Dear Friends -

I wish to thank you for the courtesy shown me last Tuesday. I shall never forget your kindness. I know Roy spent many pleasant hours with you. I never expected to be sitting in the seat he occupied.

Remember me to Governor Peterson  
God Bless you all.  
s/ Grace E. Morrill

The Clerk read the communication in full.

### UNANIMOUS CONSENT

Reps. Bradley and Cares addressed the House by unanimous consent.

Rep. O'Neil moved that the Rules of the House be so far

suspended as to permit the order of business at the late session to be in order at the present time, bills be read by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

### LATE SESSION THIRD READINGS

SB 2, creating the office of the director of the budget and making an appropriation therefor.

SB 12, relative to retirement credits for Teresa B. Desmarais and Paul Hartigan.

SB 16, relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation.

SB 3, relative to the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.

SB 32, relative to the Cooperative School District No. 1 of the town of Derry and legalizing the school district meetings of the towns of Easton, Franconia, and Sugar Hill and legalizing the formation of the Lafayette Regional School District, and dissolving the charter of the Daniel Webster Junior College and transferring all its rights and degree granting authority to New England Aeronautical Institute.

SB 18, authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state.

SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments.

Rep. Drake answered questions at the request of Rep. Newell.

Reps. Edward Walsh and Desmarais moved adjournment at 1:01 P.M. with a prayer for the safety of the astronauts.

*Tuesday, 21Apr70*

Rev. Robert B. Curry, guest Chaplain, from the South Congregational Church of Newport, offered prayer.

O Lord, free us this day to be your people. Lift us in spirit and deed that we may serve with gladness the will of our Father.

Free us from complacency, that we may search; free us from ignorance, that we may understand the needs of men.

Give us courage to face the tasks that need our deepest concern and wisdom. Govern our thinking by the commandment that we love one another.

In this new season of renewal and hope, grant that we may become instruments of your power and majesty. Let us learn to love the beauty of our land. Let us work to conserve those things most worthy, and give to man the foresight to remain a creative partner with you.

We give thanks to this day for the good gift of life and for the opportunity to serve here representative of New Hampshire people. With your help we dedicate ourselves to do justly, to love mercy, and to walk humbly. Amen.

Rep. McMeekin led the Pledge of Allegiance.

Rep. Knight was granted indefinite leave of absence on account of important business.

Rep. Hall was granted leave of absence for today and tomorrow on account of important business.

#### SENATE MESSAGE

Senate refusal to concur in House amendment and request for committee of conference on SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

The President appointed Senators Jacobson and Claveau as conferees on the part of the Senate.

Rep. Hanson moved that the House accede to the request.

Adopted.

The Speaker appointed Reps. Hanson, James Allen and Chevrette as conferees on the part of the House.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bills and Senate Bills:

HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.

HB 31, relative to the industrial development authority.

SB 2, creating the office of director of the budget and making an appropriation therefor.

SB 12, relative to retirement credits for Teresa B. Demarais and Paul Hartigan.

SB 16, relative to the expansion of the water system at the university of New Hampshire and making an appropriation therefor.

SB 18, authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state.

SB 26, transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation.

Roxie A. Forbes

Accepted.

### PARLIAMENTARY INQUIRY

Rep. Bednar rose on a point of Parliamentary inquiry.

The Speaker stated it was not necessary to refer HB 1 to Appropriations.

Rep. Bednar moved that his questions and the Speaker's answers be printed in the Journal.

Motion lost.

### PARLIAMENTARY INQUIRY

Rep. deBlois rose on a point of parliamentary inquiry.

### COMMITTEE REPORTS

#### SB 35

removing a conflict in the issuance of search warrants. Rep. Record for Judiciary. Referred to Judicial Council.

Resolution adopted.

#### SB 23

increasing the appropriation for the southwestern state park extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. Rep. Studd for Public Works. Ought to pass with amendment.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Additional Appropriation. Amend Laws of 1961, 263:5-a as inserted by 1965, 281:22 and amended by 1967, 394:18 and 1969, 506:2 by striking out said section and inserting in place thereof the following: 263:5-a Additional Appropriations. In addition to the sums specified in section 5 the following sums are appropriated for the purposes indicated:

Southwestern state park	\$1,500,000
Cannon mountain project	800,000
Connecticut lakes study	25,000
Rye harbor project	7,000
Shelburne basin project	10,000
Sunapee ski lift	500,000
Ossipee lake	400,000
Planning	250,000

Total	<hr/> \$3,492,000
-------	-------------------

Less: Federal funds	1,746,000
	<hr/>
	1,746,000
Additional state funds	150,000
	<hr/>
	\$1,916,000

The appropriation for each of the above individually specified projects may not be expanded unless participating federal funds are available for that specific project, provided that the appropriation for additional state funds in the amount of \$150,000 may be used for any expenses for the above programs for which federal funds are not available.

The individual project appropriations as provided above shall not be transferred or expanded for any other purpose; provided however, that the governor and council may transfer any balance remaining after completion of any individual project to other projects within the same section.

The entire balance remaining after the thirty-eight thousand dollars appropriated by section 3 of this act has been charged thereto, in the Pawtuckaway reimbursement fund, which was placed in escrow with the state treasurer by the governor and council on December 29, 1969, in the approximate amount of one hundred and forty-six thousand two hundred and sixty-four dollars plus interest is hereby appropriated to be used as part of the state's share of the appropriation herein made for southwestern state park.

The appropriation provided by this section shall be available for expenditure until June 30, 1972.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Bonds or Notes Authorized. Amend Laws of 1961, 263:6 as amended by 1965, 281:23 and 1967, 394:19 by striking out the same and inserting in place thereof the following: 263:6 Bonds or Notes Authorized. For the pur-

pose of providing funds necessary for the appropriations made by sections 5 and 5-a, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow on the credit of the state from time to time, a total of ten million, seven hundred forty-nine thousand seven hundred thirty-six dollars for the purpose of carrying into effect the provisions hereof and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity date of such bonds or notes shall be determined in each case by the governor and council but in no case shall they be later than 1990.

Rep. Trowbridge answered questions at the request of Reps. Newell and Urie.

Amendment adopted.

Under the Rules the Speaker referred SB 23 to Appropriations.

#### **SB 24**

reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing. Rep. Raymond for Public Works. Ought to pass.

Under the Rules the Speaker referred SB 24 to Appropriations.

#### **SB 21**

to clarify the authority of the water supply and pollution control commission. Rep. Clafin for Resources, Recreation and Development. Ought to pass with amendment.

### **AMENDMENT**

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Enforcement of Classification. Amend RSA 149:8, III (supp) as amended by 1967, 147:9, by striking out said paragraph and inserting in place thereof the following:

III. It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to a surface water of the state without first obtaining a written permit from the commission. In granting such permits, the commission shall prescribe such degree of treatment as it deems reasonable and proper. Further, whenever in its judgement, the purposes of this chapter will be best served, the commission may require as a condition to the granting of such permits that either the ownership (and operation) of the collection and treatment facilities involved be vested in the municipality (or any subdivision thereof) in which the system is located, if said municipality by legal action agrees thereto, or such other reasonable conditions as will ensure continuous and continuing operation and maintenance of the facilities. The degree of treatment prescribed shall be based upon economic and technological factors, upon the projected best use of the surface waters downstream, and upon the classification enacted by the legislature. No permit shall be granted to utilize the entire assets of the surface water. The commission may prescribe a monitoring program to be performed by the applicant with periodic reports to the commission. Permits shall be reviewed periodically in order to ensure compliance with the stream classification criteria and standards adopted by the legislature for the particular waters involved. Any determination by the commission under this paragraph shall be subject to appeal as provided for in RSA 149:14.

Further amend the bill by striking out section 6 and inserting in place thereof the following:

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

## **SJR 1**

establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the state of New Hampshire and recommending legislation to implement the same. Rep. Clafin for Resources, Recreation and Development. Ought to pass.

Ordered to third reading.



**SB 22**

relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title. Rep. Hamel for Transportation. Ought to pass with amendment.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Municipal Permits for Motor Vehicle Registration. Amend RSA 260:22 (supp) as amended by 1967, 332:1 by striking out said section and inserting in place thereof the following: 260:22 Required. No motor vehicle owned or controlled by a resident of this state shall be registered under the provisions of this chapter until the owner or person controlling the same has obtained a permit for registration from the city or town wherein he resides. No such permit for a motor vehicle six years old or less, such age to be calculated from the year in which application is made pursuant to this chapter, may be issued unless the applicant proves prior ownership of the vehicle by presenting to the city or town clerk a current or previous year's registration certificate, a certificate of title, a certificate of temporary registration issued by a registered motor vehicle dealer or a certified bill of sale from the previous owner of the motor vehicle if such owner is a private individual who has previously registered said vehicle. This section shall not apply to motor vehicles which constitute stock in trade of a manufacturer or of a bona fide dealer.

Rep. Hamel explained the amendment at the request of Rep. Coburn.

(discussion)

Amendment adopted.

Rep. MacKenzie moved Special Order for 11:01 tomorrow and explained his motion.

(discussion)

Motion lost.

Rep. MacKenzie offered the following amendment and moved to suspend the reading of the amendment.

Adopted.

### AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Gasoline Tax Increased. Amend RSA 265:4 (supp) as amended by 1966, 1:1 by striking out in line two the word "seven" and inserting in place thereof the following (eight) so that said section as amended shall read as follows: 265:4 Levy of Toll and Exemptions. There is hereby imposed a road toll of eight cents per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to (a) sales to the United States or its agencies, (b) sales between duly licensed distributors, or (c) sales of motor fuel exported from the state.

4. Payment to Cities and Towns. Amend RSA 265:6 as amended by 1955, 280:4 and 1957, 273:2 by striking out said section and inserting in place thereof the following: 265:6 Use of Tolls. Seven cents per gallon of the road tolls authorized by section 4 shall be used initially to pay the interest and principal due on any bonds and notes issued pertaining to highway purposes and the remainder shall be paid into the highway fund. Of the additional one cent per gallon one-half shall be distributed to each city, town and unincorporated place in an amount based on the proportion which the mileage of the regularly maintained Class IV and Class V highways in that city, town or unincorporated place as of January 1 of the previous year bears to the total mileage of regularly maintained Class IV and Class V highways in the state as of that date. The remaining one-half cent per gallon shall be distributed to each city, town and unincorporated place in an amount based upon the proportion which the population of that city, town or unincorporated place as determined by the most recent federal census bears to the total population of the state as determined by such census.

5 Highway Purposes. Amend RSA 265 by inserting after section 6 the following new section: 265:6-a Distribution. On or before February 15 of each year the commissioner shall pay to each city, town and unincorporated place its share of the additional one cent per gallon road toll authorized by section 6 collected during the previous calendar year. Said funds shall be used by the cities, towns and unincorporated places only as authorized by Part Second, Article 6-a of the New Hampshire Constitution.

Rep. MacKenzie explained the amendment and subsequently withdrew the amendment.

Ordered to third reading.

### SB 36

authorizing the issuance of motor vehicle registration plates of whatever duration the director provides. Rep. Hamel for Transportation. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Salaries 1970. Amend RSA 94:1 (supp), as amended, by inserting in proper alphabetical order the following new line:

Assistant to director of motor vehicles    11,449    13,227

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Salaries 1971. Amend RSA 94:1-a (supp), as amended, by inserting in proper alphabetical order the following new line:

Assistant to director of motor vehicles    12,322    14,226

Further amend the bill by striking out sections 10, 11, and 12.

Further amend the bill by renumbering the original sections 13, 14, 15, 16 and 17 to read        10        11  
12        13        and        14        respectively.

Amendment adopted.

Under the Rules the Speaker referred SB 36 to Appropriations.

### OTHER SENATE MESSAGE

Senate concurrence on

HB 1, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns.

HB 21, relative to out-of-state tuition charges at the university of New Hampshire.

### COMMITTEE REPORTS CONTINUED

#### CA-CR 2

Relating to: Establishing a four year term for Governor. Providing that: The governor shall be elected every four years on the nonpresidential election years, and no person shall serve more than two terms consecutively. Rep. Bennett for Constitutional Revision and Rep. Frizzell for Judiciary, for the Majority. Ought to pass with amendment. Minority: Rep. Brungot for Judiciary. Inexpedient to legislate.

### AMENDMENT

Amend said concurrent resolution by striking out paragraphs I and IV and inserting in place thereof the following:

I. Resolved, That Article 42 of Part Second of the Constitution of New Hampshire be amended by inserting in line four after the word "November" the following (except that beginning in 1974 he shall be chosen quadrennially in the month of November) and by inserting in line seven after the word "January" the following (immediately following any vote for governor) and by inserting at the end thereof the following (No person may consecutively hold the office of governor for more than two terms) so that said article as amended shall read as follows:

[Art.] 42. [Election of Governor; Return of Votes, Electors; If No Choice, Legislature to Elect One of Two

Highest Candidates; Qualifications for Governor.] The governor shall be chosen biennially in the month of November; except that beginning in 1974 he shall be chosen quadrennially in the month of November, and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday of January immediately following any vote for governor to be by them examined, and in case of an election by a plurality of votes through the state, the choice shall be by them declared and published. And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the two persons, having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years. No person may consecutively hold the office of governor for more than two terms.

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the General Court:

Are you in favor of amending the constitution to provide for a four-year term for governor, the first of which terms shall commence in 1975, and provided that the governor shall be elected in November of the nonpresidential election years, starting with the election in 1974. Further, provided that no person may serve consecutively as governor for more than two terms?

Rep. Zachos explained the committee amendment.

Amendment adopted.

Reps. Logan, Russell Chase, and Raiche spoke in favor of CA-CR 2.

Reps. Brungot and Bridges spoke against CA-CR 2.

(Rep. O'Neil in the Chair)

Rep. deBlois spoke against CA-CR 2.

Rep. Radway spoke in favor of CA-CR 2.

Rep. Sayer moved that CA-CR 2 be indefinitely postponed and spoke in favor of the motion.

Rep. Casassa spoke in favor of CA-CR 2.

Rep. Bittenbender spoke against CA-CR 2.

Rep. Sayer withdrew his motion to indefinitely postpone CA-CR 2.

Reps. Coutermarsh, Ormiston, Normandin, Scamman, Hamilton, Shirley, Drabinowicz, Zachos and Nixon spoke in favor of CA-CR 2.

(discussion)

Reps. Lawton, Stevenson and Bradley spoke against CA-CR 2.

(Speaker in the Chair)

Reps. O'Neil and Trowbridge spoke in favor of CA-CR 2.

Rep. Schwaner spoke against CA-CR 2.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being, shall CA-CR 2 be ordered to third reading.

Rep. Angus requested the yeas and nays; seconded by Rep. Frizzell.

#### ROLL CALL

YEAS: 260 — NAYS: 107

YEAS

#### SULLIVAN COUNTY:

Logan, Mackintosh, Gaffney, Rousseau, Omer A., Angus, Campbell, Spaulding, Roma A., Barrows, D'Amante, Hamilton,

Coggeshall, Downing, Saggiotes, Tracey, Frizzell, Galbraith, Merrifield.

**BELKNAP COUNTY:**

Allan, Stuart B., Roberts, Charles B., Randall, Earle F., Nighswander, Wuelper, Roberts, George B., Mutzbauer, Martin, Normandin, Head, Prescott, Dulac, Foster, Claude W.

**CARROLL COUNTY:**

Hayes, Hickey, Chase, Russell C., Claflin, Fox.

**CHESHIRE COUNTY:**

Johnson, Edward A., Churchill, Trowbridge, Danielchik, Austin, McGinness, Allen, James F., Bennett, Jennie B., Halvorson, Dunham, Hackler, Thompson, Willard L., O'Neil, Battenfeld, Tasoulas, Raymond, Pollock, Heald, Cleon E., MacKenzie, Walker, Barker, Sheldon L., Moran, Drew, Harold F.

**COOS COUNTY:**

Marsh, Noyes, Bushey, Hunt, Drake, Shute, Burns, Oleson, Fortier, Roy, Edgar J., Studd, York, Elmer H., Lemire, Theriault, Thurston, Richardson, Mabel L.

**GRAFTON COUNTY:**

Tilton, Higgins, McGee, Chamberlin, Bennett, Phil A., McMeekin, Park, Cone, Nutt, Radway, Smith, Manson B., Dow, Foster, Carl P., Duhaime, Roger M., Tremblay, Merrill, Dudley, Ellms, Blain, Hopkins, Bell, Sears, Karsten.

**HILLSBOROUGH COUNTY:**

Aucella, Eaton, Sawyer, Brown, H. Allen, Poehlman, Vallee, Nixon, Daloz, Mann, Murray, Karnis, Heald, Philip C., Jr., Warren, Bragdon, Spalding, Kenneth W., Brocklebank, Bouchard, Wallin, Barker, Helen A., Record, Drabinowicz, Desmarais, Lachance, Poliquin, Bouley, Chamard, Cote, Margaret S., Aubut, Boisvert, Wilfred A., Coutermarsh, Bednar, Lynch, Keeney, Cares, Peabody, Arthur H., Watson, Buker,

Loxton, VanLoan, Carmen, Carrier, Milne, Zachos, Gardner, William J., Montplaisir, Murphy, Francis, Nyberg, Bruton, Dion, Leo L., Duhaime, Armand L., Cullity, Welch, John L., Betley, Walsh, Edward J., Lomazzo, Lafrancè, Martel, Thibeault, Champagne, Bower, Raiche, Belanger, Goedecke, Storm, Arthur, Lagasse, McGrail.

**MERRIMACK COUNTY:**

Andrews, Bigelow, Storm, Irene L., Reddy, Hanson, Beauchesne, Enright, Goff, Bartlett, Avery, Mousseau, Kopperl, Bent, Burleigh, Greeley, Mattice, Welch, Alfred E., Michels, Cate, York, Edward H., Davis, Alice, McLane, Phillips, Smith, Roger A., Andersen, Chris K., Sanders, Fuller, Glavin, Newell, Howard, C. Edwin, Chase, Lila S., Tarr.

**ROCKINGHAM COUNTY:**

Fernald, Stimmell, Griffin, Ormiston, Kimball, Senter, Tarbell, DeCesare, Gelt, Morrison, Marden, Clark, Ernest D., Greenwood, Goodrich, Hoar, Twardus, Scamman, Eastman, Gage, Varrill, Hamel, Cheney, George L., Fiske, Casassa, Brown, Stanwood S., Shindledecker, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Maynard, McEachern, Archie D., Bowles, Dorley, Quirk, Dame, Connors, Bodge, Coussoule, Splaine, Bowlen, Croft.

**STRAFFORD COUNTY:**

Dawson, Drew, Robert B., Morrow, Clark, Shirley M., Cochrane, Shirley, Tirrell, Maloomian, Habel, Chasse, Hebert, Boire, Berkey, Thompson, Barbara C., Leighton, Webber, Fellows, Kinney, Parnagian, Richardson, Harriett W. B., Maglaras.

Knight absent but in favor.

**NAYS**

**SULLIVAN COUNTY:**

None.

**BELKNAP COUNTY:**

Urie, Lawton, deBlois, Randlett.



## CARROLL COUNTY:

Howard, Donald K., Davis, Esther M., Cox, Roberts, Milburn F., Remick, Davis, Dorothy W.

## CHESHIRE COUNTY:

Ballam, Forbes, Cournoyer, Johnson, Elmer L., Saunders, Callahan.

## COOS COUNTY:

Huggins, O'Hara, Dubey, Desilets, Brungot, McCuin, Gagnon, Parent.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Brunmer, Anderson, Fayne E., Buckman, Bradley.

## HILLSBOROUGH COUNTY:

Bittenbender, Weillbrenner, Fortin, Carter, Coburn, Ferguson, Bridges, Belcourt, Lesage, Mason, Boisvert, Ralph W., Sirois, Bissonnette, Goode, Lang, Soucy, Cote, Joseph, McDermott, Manning, Thomas E., Barrett, Clancy, Healy, O'Connor, Michael F., Leclerc, Campono, Chevrette, Derome, Walsh, Michael P., O'Connor, James P., Sweeney, Clear, Nourie, Levasseur, Nalette, Allard, Lambert, Lavallee, Lesmerises, Burke, Grady.

## MERRIMACK COUNTY:

Gamache, Robinson, Dempsey, Gilman, Laroche, Henry, Cheney, Charles H., Sr., Horan, Howland.

## ROCKINGHAM COUNTY:

Persson, Adams, Read, Maurice W., Smith, Philip A., Sayer, White, George W., Sr., Palmer, Schwaner, Spollett, Cummings, Underwood, Sewall, Junkins, Randall, Anthony T.

## STRAFFORD COUNTY:

Joncas, Rolfe, Vickery, Beaudoin, Levesque, Preston, Smith, Richard L., Tripp, Peabody, Raymond B., Pray, Bernard, Young, Torr.

Rep. Zachos moved suspension of the Rules, third reading and final passage now.

The Speaker requested a division.

285 members having voted in the affirmative, and 25 in the negative, rules were suspended, and CA-CR 2 was ordered to third reading.

The Speaker requested a division on third reading and final passage.

275 members having voted in the affirmative, and 30 in the negative CA-CR 2 was read a third time and passed.

## RECONSIDERATION

Rep. Zachos, having voted with the majority, moved that the House reconsider its action whereby it passed CA-CR 2 and spoke against the motion.

Motion lost.

## RECESS

## AFTER RECESS

(Rep. Bridges in the Chair)

## COMMITTEE REPORTS CONTINUED

## SB 34

relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated. Rep. John Welch for the Manchester Delegation.

On a vv the Chair was in doubt and requested a division.

Rep. Merrill requested a quorum count.

Rep. Coburn requested a roll call. There was no second.

(Speaker in the Chair)

281 members answering the quorum count, a quorum was declared present. A majority is necessary for adoption.

### PARLIAMENTARY INQUIRY

Reps. Zachos, Raiche and Coburn rose on a point of parliamentary inquiry.

The division vote being manifestly in the affirmative, the motion carried.

Ordered to third reading.

Rep. Soucy wished to be recorded as opposed to SB 34.

#### SB 14

permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above. Rep. Greene for Education. Ought to pass with amendment.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### An Act

permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one

year; increasing the state guarantee of building costs to cooperative school districts; continuing the non-public school study commission; and making appropriations for all the above.

Amend RSA 189:49 as inserted by section 1 of the bill by striking out in line 2 the word "or" and inserting in place thereof the word (and), so that said section as amended shall read as follows:

189:49 Optional Services. The school board of any school district may provide the following child benefit services for pupils in each public and nonpublic school in the district:

I. School physician services under the provisions of RSA 200:15-25.

II. School nurse services.

III. School health services.

IV. School guidance and psychologist services.

V. Educational testing services.

Amend section 4 of the bill by striking out the first three lines, and inserting in place thereof the following:

4 Service Grants. Amend RSA by inserting after RSA 198:21 as inserted by section 2 of this act the following new subdivision:

#### Child Benefit Service Grants

Amend RSA 198:22, II as inserted by section 4 of the bill by striking out said paragraph.

Amend RSA 198:22, III as inserted by section 4 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Application for any grant provided for in paragraph I shall be submitted by a district to the state board of education no later than the August first following the end of the school year for which it shall be applicable.

Amend RSA 198:22 as inserted by section 4 of the bill by renumbering paragraphs IV, V, and VI to read III, IV, and V respectively.

Amend section 5 of the bill by striking out in line 1 the words "and transportation" so that said section as amended shall read as follows:

5 Appropriation; Services. There is hereby appropriated the sum of seven hundred thousand dollars for the purposes of section 4 of this act. This sum shall lapse on June 30, 1972. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Under the Rules the Speaker referred SB 14 to Appropriations.

#### OTHER SENATE MESSAGE

Senate concurrence on House, amendments to SB 32.

Rep. Drake moved that the Joint Rules be suspended to permit the introduction of HB 56, relative to the definition of obscenity, and HB 57, making amendments to the business profits tax and the act imposing a tax on certain income, after the deadline.

Rep. Drake explained the motion.

#### PARLIAMENTARY INQUIRY

Rep. Newell rose on a point of parliamentary inquiry.

Motion adopted by the necessary two-thirds.

The Speaker called for Special Order on SB 9, relative to the Pierce Brigade, Inc. Inexpedient to legislate.

Rep. MacDonald moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Saggiotes explained the position of the Appropriations committee.

Reps. Raiche, Phillips, Edward York, Avery and MacIntosh spoke in favor of the motion.

Rep. Drake spoke against the motion.

Rep. Maloomian moved the previous question; sufficiently seconded. The question being, shall the main question now be put.

Adopted.

The question now being on the motion to substitute the words, ought to pass, for inexpedient to legislate.

Adopted.

The question now being, shall SB 9 be ordered to third reading.

Adopted.

### INTRODUCTION OF BILLS

HB 56, relative to the definition of obscenity. To Judiciary.

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income. To Ways & Means.

Rep. O'Neil moved that the Rules of the House be so far suspended as to dispense with reference to committee and public hearings on HB 56 and HB 57, and that both of said bills be in order for action by the House now.

Motion adopted by two-thirds vote.

#### **HB 56**

Rep. Andrews explained HB 56.

(discussion)

Reps. O'Neil and MacIntosh spoke in favor of the bill.

Rep. O'Neil answered questions at the request of Rep. Lambert.

Rep. Zachos answered questions at the request of Rep. Shirley.

Rep. Maloomian moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being shall HB 56 be ordered to a third reading.

Ordered to third reading.

#### HB 57

Rep. O'Neil explained HB 57.

(discussion)

Rep. Raiche moved that HB 57 be made a Special Order for 11:01 tomorrow and spoke in favor of the motion.

Reps. O'Neil and Bednar spoke in favor of the motion.

#### PARLIAMENTARY INQUIRY

Rep. Bednar rose on a point of parliamentary inquiry.

Question being on the motion for Special Order on HB 57.

Adopted.

Rep. Sayer called for Reconsideration of SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments, and yielded for a further motion.

Rep. James Allen moved that reconsideration of SB 30 be made a special order for 11:02 tomorrow.

Adopted.

#### OTHER SENATE MESSAGE

Senate concurrence on HCR 5 in favor of the accelerated improvement of Route 16.

Rep. Raiche moved that the remarks made by Rep. Hamilton be printed in the Journal.

#### REMARKS BY REP. RUTH HAMILTON April 21, 1970

I agree with everything said in favor of the four year term for governor.

The people are often accused of apathy and nonparticipation in government. The people should have the opportunity to decide what they want by referendum. All the rhetoric today has been directed at the office of the governor. Nothing has been said about the wear and tear on the candidate for office. When I get ready for a campaign I am always reminded of a Texas candidate who filed his campaign expense report as follows:

Lost 4 months and 26 days campaigning.

Lost a 40 acre corn field and a sweet potato patch.

Lost 1500 hours of sleep thinking about the election.

Gave away 1 beef, 2 shoats, and 3 sheep to a country barbecue.

Kindled 14 kitchen fires.

Put in 9 stoves.

Cut 1 and one-half cords of wood.

Picked 9 bales of cotton.

Gave away 2 pairs of suspenders, 5 dollars, 13 baby rattles, kissed 126 babies, told 10,101 lies, walked 9,045 miles, shook 11,000 hands, attended 12 revival meetings, baptized 9 times by immersion and twice by other ways, made love to 9 grass widows, dog bites 39 times and was defeated.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills be read by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 10:30 o'clock.

Adopted.

### LATE SESSION THIRD READINGS

SB 21, to clarify the authority of the water supply and pollution control commission.

SJR 1, establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the state of New Hampshire and recommending legislation to implement the same.

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

SB 34, relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated.



SB 9, relative to the Pierce Brigade, Inc.

HB 56, relative to the definition of obscenity.

Rep Shindledecker moved adjournment at 4:31 P.M.

---

## *Wednesday, 22Apr70*

### JOINT CONVENTION

Rev. W. L. Shafer, House Chaplain, offered prayer.

"The earth is the Lord's, and the fulness thereof; the world, and they that dwell therein." Psalm 24:1.

ALMIGHTY GOD, we thank Thee for the sacred privileges and the bounteous blessings with which Thou hast enriched us and our land. We recognize Thee in the noble purposes which impel us and in the lofty ideals which lead us. Fervently we pray that we may ever so order our lives as to be worthy of Thy Presence within our midst. Bless this "House of Democracy" and all who have shared in her illustrious history. May Thy Spirit rest upon those whom the people have set in authority; may they be guided by the wisdom which comes from Thee and sustained by the strength which flows from serving Thee. We would recognize the challenges and responsibilities of this day, bless our cooperative endeavors in the Name and Spirit of Jesus Christ. Amen.

Rep. Coggeshall led the Pledge of Allegiance.

Rep. O'Neil introduced Rep. Mackintosh, Chairman of the Sesquicentennial Committee, who addressed the Joint Convention as follows:

Thank you, Mr. Speaker. Today's acceptance of three notable portraits marks the final and closing act of your State House Sesquicentennial Committee, which group consists of Senators Bob English and Laurie Lamontagne, Representatives Ken Morrow, Margaret Normandin, and myself. These por-

traits, much appreciated by all of us, will hang permanently on the walls of this, our now famous and honored state house.

At this same time we also do honor to their subjects, three former governors, two of them here in person, and the third, now deceased, graciously represented by a son, a daughter, and a sister. A subsequent speaker will present them to you a little later during this occasion.

Mr. Speaker, I present to you now for appropriate remarks our Legislative Historian, the likeable and insuppressable Leon W. Anderson.

Governor Peterson, Mr. Speaker, I thank you.

Acceptance of portraits of three former Governors at one sitting is unusual, even for our unusual Legislature.

Never before has it happened.

We recall that a couple of Hanover farmers turned from the hoe to the brush a century ago and produced more than half the 14 dozen portraits of Governors, war heroes and sundry politicians, which grace our State House walls.

They were Adna Tenney and his nephew, Ulysses Dow Tenney. But they produced those paintings so fast the Legislature never did get around to formally accepting most of them, and never three at a time.

Secretary of State Benjamin Franklin Prescott of Epping sponsored that historic deluge of portraits into our Capitol. The 1874 Legislature decorated Prescott for it with a resolution of thanks and then fired him the following morning.

That was one of our rare Democratic legislatures, so the Republicans expected the worst and Prescott got part of it.

The Republicans soon regained their firm grip upon the Legislature, however. And Prescott got a more fitting reward, becoming Governor for two terms.

We have become fond of this Tenney twain. Uncle Adna heaved the hoe at 35, following a three weeks art course at Boston. Then he talked Nephew Ulysses into his brush brashness, and the pair became New Hampshire's most fruitful — if not skilled — portrait producers of all time.

The three former Governors now being feted are the late Charles William Tobey of Temple, Dr. Robert Oscar Blood of Concord and Superior Court Justice John William King of Manchester and newly of Goffstown.

We came to know this trio well. As a Concord Monitor reporter, we worked with them, wondered about them, worried about them, and puzzled over their political peregrinations.

All New Hampshire Governors have been different and this is particularly true of Tobey, Blood and King. In the true tradition, each of them strove to promise and pledge bigger and better and more bountiful and beautiful administrations than proposed or produced by their predecessors.

On the other hand, the three former Governors being honored on this occasion shared one common characteristic linked to most of our 92 constitutional Chief Executives. Each was of humble origin, each had to grub for an education, and each had the common touch with common feelings for the common welfare.

Governor Tobey — of 1929-30 — was the last of our part-time, easy-does-it one-term Chief Executives. After that, as the Great Depression dumped gobs of social reforms into our governmental structures, our Governors have increasingly become over-worked and under-appreciated State Managers of griefs and gripes, with kicks into oblivion often their only rewards.

Tobey became Governor at 49. Native of Roxbury, Mass., he moved to Temple at 23 to raise chickens. He developed a colorful gift of gab, and wound up becoming the only man in New Hampshire history elected to our five top public offices. He served as House Speaker and Senate President before becoming Governor and then rose to become a Congressman and United States Senator.

Tobey was an oratorical gusher of the old school, before television crimped such talent, who quoted the Bible to bedevil his foes. He presided over stirring annual open-air summer Sunday song services at Temple, which old-timers still recall with awe.

Tobey's administration launched our State House guide to promote tourism, New Hampshire's building at the Springfield Exposition, and cut state mileage payments from 10 to 8 cents.

Governor Tobey gave this lasting testament to the worth of our giant Legislature, in his 1931 Exaugural:

It is a great thing, this New Hampshire Legislature.

"Some may laugh at it and speak of its unusual size. But despite these things it remains true that whoever serves a term in our Legislature receives a course of instruction in parliamentary law, a wide knowledge of the institutions of our state, an understanding of state finances, and last but not least, considerable knowledge of human nature.

"I doubt that these things can be gained through any other agency in a similar period of time."

Dr. Blood served during the 1941-44 war years and his record sparkled with assorted distinctions.

Frugality became his hallmark. He was as tight with public funds as his own, to the dismay of many. We have observed that Dr. Blood still has the first dollar many of us earned, along with his own!

War restrictions curbed state spendings. This coupled with Blood's thrift produced an all-time record \$6 million treasury surplus, which it took his successors a quarter of a century to spend away.

Governor Blood's stewardship was remarkable. In the reflection of time, he has become our favorite of all the Governors we have known down through two score years.

He labored full-time at state affairs, along with his full-time medical practice. He is our only Governor who had a tiny bed on the rear seat of his auto, so he could nap returning from distant engagements, to be fit and full of frugality the following morning.

Ever modest and always quiet-spoken, Dr. Blood never fretted nor worried, because of an abiding faith in his own judgment. And now at a neat 82, he's still going strong, his only addiction being free advice on public affairs for the dwindling few who listen.

Blood's administration pioneered state travel controls and a Classification System for state workers, with built-in vacation and sickness guarantees. He also pioneered our biennial Capital

Budget and made the Attorney General a full-time official for a first time.

In his 1945 Exaugural, Governor Blood observed:

"The General Court of New Hampshire has rightly been called a practical school of democracy.

"Just one decade ago I became a member of it, first in the House and two years later in the Senate. And in the course of my service I have learned by experience something of its value as a laboratory of citizenship and as a proving ground for public service."

Judge King became our first Democratic Governor in 40 years in 1963 and proceeded to stack achievement records.

This self-made son of a humble emigrant shoe worker took office at 44, following three terms in the Legislature, and then became the only man given three consecutive biennial terms since they replaced annual terms in 1879.

King surprised observers by getting along well with the Republican Legislature and Executive Councils and historic events ensued from his unprecedented six-year administration.

It produced the District Court system, which the Judicial Council had vainly advocated for years, and firm legislative Home Rule protection for cities and towns. It gave the State Supreme Court its first home, with substantial boosts in pay and retirement benefits to make that tribunal and its affiliate Superior Court more attractive for future enhancement.

Governor King sponsored long-sought status for the two teachers' colleges by merging them into the University of New Hampshire complex. And his administration produced an impressive array of technical institutes through the state to boom industry.

The King administration flowered the New Hampshire Sweepstakes, the nation's first legalized lottery of this century, for support of education. It also acquired the top of Mt. Washington and the Robert Frost homestead as historic shrines for enjoyment by future generations.

And last but not least, Governor King sparked \$500,000 of improvements to our venerable Capitol and its tradition-steeped yard. Never before has our State House and its premises

been so attractive. This project in which Mrs. King played an unobtrusive but constructive feminine role, continues to draw praises from our citizenry and tourists alike.

Six months after Governor King left office, the Legislature voted:

"Whereas former Governor John King worked beyond the call of duty in a dedicated effort to renovate the State House, be it

"Resolved that we, the members of the House of Representatives in General Court convened, do hereby take recognition of the services performed by former Governor King, and we express our sincere thanks and gratitude to him."

In his Exaugural, King observed:

"I have never met any man or woman who regretted the time and experience gained by membership in this Legislature."

The Tobey portrait was recently produced by Miss Alice Cosgrove of Concord, creative artist with the State Division of Graphic Arts. Blood's portrait is the 1963 work of Meredith Brooks of Dublin, now married and living in California where she continues painting. King's likeness was painted by the late H. J. Wibel of Webster, while he was still in office.

After this ceremony, six former New Hampshire Governors remain unhung.

They include Mesheck Weare of Hampton Falls, our first constitutional Chief Executive of 1784. But his likeness never was made so we must forget such a portrait.

The five others whose likenesses should grace our Capitol walls are the late Samuel D. Felker of Rochester (1913-14); Henry W. Keyes of Woodsville (1917-18) and Albert O. Brown of Manchester (1921-22), along with Hugh Gregg of Nashua (1953-54) and Wesley Powell of Hampton Falls (1959-62).

Thank you, Leon Anderson.

To formally accept the three portraits for New Hampshire, and to present to you our honored guests, I give to you His Excellency, Governor Walter Peterson.

Rep. Mackintosh presented Hon. Walter Peterson who addressed the Joint Convention as follows:

We are happy to join in this festive occasion. It was an opportunity to hear Andy, which is always a pleasure, and also for renewal of friendships. There is never too much of that commodity in these hectic days of challenge and change.

We are pleased to have the honor of accepting portraits of three former Governors for permanent State House display. And we hope the five missing portraits of other past Chief Executives will also soon take their rightful spots in the lore and legend of our historic Capitol.

We accept these portraits of former Governors Charles Tobey, Robert Blood and John King, on behalf of this General Court, the Executive Council, and New Hampshire citizens in general. We do so with thanks.

Before we conclude this memorable event, I would like to ask the principals to stand and be recognized — First, Dr. and Mrs. Blood of Concord. Justice and Mrs. King of Goffstown. And the family of the late Senator Tobey; his son, State Parks Director Russell B. Tobey of Concord; and the Senator's sister, Mrs. Harold Brown of Peterboro.

Senator Mitchell moved the Joint Convention rise.

## HOUSE

(Speaker in the Chair)

Rep. Thibeault was granted leave of absence for the day on account of illness.

Rep. Fortin was granted leave of absence for the day on account of important business.

Rep. Archie McEachern was granted leave of absence for today and tomorrow on account of important business.

Rep. Gay was granted leave of absence for today and tomorrow on account of a death in the family.

## SENATE MESSAGE

Senate concurrence in

HB 8, increasing the amount authorized for state guarantee of municipal bonds for water pollution.



HB 13, relative to the Central New Hampshire Turnpike and making an appropriation therefor.

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton.

HB 50, relative to the firemen's retirement system.

HJR 3, appropriating additional funds for the interest and dividends tax division of the state tax commission.

#### OTHER SENATE MESSAGES

Senate adoption of enrolled bills amendment

HB 21, relative to out-of-state tuition charges at the university of New Hampshire.

#### AMENDMENT

Amend said bill by striking out the first three lines and inserting in place thereof the following:

1 University of New Hampshire; Out-of-state Tuition. Amend the "note" relative to out-of-state tuition for the university and state colleges in 1969, 368:4 by striking out the same and inserting in place thereof the following:

Rep. Forbes moved that the House concur in the enrolled bills amendment.

Adopted.

Senate adoption of enrolled bills amendment

HB 34, to enlarge the authority of the New Hampshire Educational Building Corporation.

Amend section 3 of said bill by striking out the first four lines and inserting in place thereof the following:



3 Definitions. Amend RSA 195-D:3, I (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

I. "Corporation"

Amend section 9 of said bill by striking out the second sentence of RSA 195-D:4, II and inserting in place thereof the following:

The terms of two of the members shall expire on June 30, 1970; the terms of two members shall expire on June 30, 1971; and the terms of three members shall expire respectively on June 30, 1972, June 30, 1973, and June 30, 1974.

Rep. Forbes moved that the House concur in the enrolled bills amendment.

Adopted.

Senate amendment to HB 54, printed in Senate Journal of April 21, page 198.

Rep. Cummings moved the House concur in Senate amendment.

Adopted.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the introduction of Committee reports on Bills and Joint Resolutions without one day's notice in the Journal and/or hearings and/or committee reports.

#### PARLIAMENTARY INQUIRY

Rep. Bednar rose on a point of parliamentary inquiry. The clerk read the titles of the bills to be introduced.

Adopted by the necessary 2/3 vote.

#### COMMITTEE REPORTS

##### SB 29

relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school. Rep. Greene for Education. Ought to pass with amendment.

Rep. Trowbridge moved that SB 29 be laid on the table.

Adopted.

## COMMUNICATION

I am writing for permission to address the House at noon today on the all important question of aid to non-public schools.

As you know, this is a request I make rarely. However, because of the importance of SB 14, I would very much appreciate the opportunity to speak to the House.

Sincerely yours,

Walter Peterson

The Speaker invited Governor Peterson to address the House at noon.

## COMMITTEE REPORTS CONTINUED

## SB 31

relative to the purchase, sale and transportation of explosives and making an appropriation therefor. Rep. Fortier for Public Works. Ought to pass with amendment.

## AMENDMENT

Amend the title of the bill by inserting after the word "sale" the words (storage, larceny,) so that said title as amended shall read as follows:

## AN ACT

relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Purchase, Sale Transportation. Amend RSA 158 by inserting after section 9 the following new subdivision:

License to Purchase. Store, and Transport  
158:9-a Acts Uulawful

I. No person shall purchase, store or transport or attempt to purchase, store or transport any high explosive without first obtaining a license therefore as provided in RSA 158:9-b.

II. No person shall sell any high explosive to another unless the purchaser exhibits a license to purchase ob-

tained as provided in RSA 158:9-b. In such case, the seller shall record the name and address of the purchaser, the license number, the date of the sale, the type and quantity of explosive sold, the serial number of said explosive, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

III. No person shall store or keep explosive unless such explosive is stored or kept under lock and key or in a safe, secure place.

IV. For the purposes of this section, the term "high explosive" shall mean and include dynamite, any explosive compound of which nitroglycerin forms a part, fulminate in bulk or dry condition, blasting caps, detonating fuses, blasting powder or other similar explosive but shall not include black powder used in sporting rifles.

158:9-b Application. The selectmen of a town or the mayor or chief of police of a city, or some full-time police officers designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to store, purchase and transport explosives in this state for not more than one year from the date of issue, if it appears that the applicant has any proper purpose and that the applicant is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the person issuing the same for three years. The license shall be issued within seven days after application therefor, if such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the person to whom application was made.

#### 158:9-c Fees and Disposition.

I. The fee for licenses issued to residents of the state shall be two dollars, which fee shall be for the use of the law enforcement department of the town or city granting such licenses.

II. The fee for licenses issued to nonresidents shall be four dollars, which fee shall be for the use of the state after paying the cost of the forms required pursuant to RSA 158:9-d.

158:9-d License Forms. The director of state police is hereby authorized and directed to prepare forms for the licenses required by RSA 158:9-a and to supply the same to the officials of the cities and towns authorized to issue said licenses. The cost of said forms shall be paid out of the fees received from nonresident licenses.

158:9-e Penalties.

I. Any person convicted of violating the provision of RSA 158:9-a, I and II shall be fined not more than one thousand dollars or imprisoned not more than five years, or both.

II. Any person convicted of violating the provisions of RSA 158:9-a, III shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

III. Any person convicted of larceny of any high explosive as defined in 158:9-a, IV shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

2. Appropriation. There is hereby appropriated the sum of one thousand dollars to be expended by the director of state police for the initial cost of the forms required by RSA 158:9-d. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. RSA 158:9-a as inserted by section 1 of this act shall take effect July 1, 1970 and the remainder of this act shall take effect upon its passage.

Rep. Hayes moved that SB 31 be indefinitely postponed and spoke in favor of the motion.

Reps. Trowbridge and Schwaner spoke against the motion.

Rep. Bradley spoke in favor of the motion.

Rep. Hayes withdrew his motion.

Rep. Trowbridge answered questions at the request of Rep. Storm.

(discussion)

Amendment adopted.

Under the Rules the Speaker referred SB 31 to Appropriations.

### SB 37

relative to fees for medical referees. Rep. Hanson for Municipal and County Government. Ought to pass.

Ordered to third reading.

### SB 11

providing for special liquor licenses and beverage permits for nonprofit organizations. Rep. Collishaw for Liquor Laws. Ought to pass with amendment.

## AMENDMENT

Amend RSA 178:8-d as inserted by section 1 of the bill by striking out in lines three and four the words "or another responsible adult" so that said section as amended shall read as follows:

178:8-d Minors. No minors shall be allowed in those areas where liquor or beverages are being served under a license or permit issued pursuant to section 8-b unless accompanied by their parents or legal guardian. The selectmen of the town in which such permit or license is held may at their discretion assign police officers to the premises where liquor or beverages are being served.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect thirty days after its passage.

Rep. Collishaw yielded to Rep. deBlois to answer questions at the request of Rep. Bednar.

Rep. Enright spoke in favor of the bill.

Rep. deBlois answered questions at the request of Reps. Storm, Angus, and Stevenson.

(discussion)

Rep. Mabel Richardson spoke in favor of the bill.

Rep. Bridges moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being on the committee amendment.

Amendment adopted.

Ordered to third reading.

(Rep. O'Neil in the Chair)

## SB 6

relative to the real estate commission and making an appropriation therefor. Rep. Shirley Clark for Executive Departments and Administration. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Special Fund. Amend RSA 331-A:5 (supp) as amended by 1969, 222:1; 1965, 319:3; and 1969, 461:11 by striking out said section and inserting in place thereof the following:

331-A:5 Fees. The following fees shall be charged and collected by the commission and shall be paid into the general fund of the state treasury:

I. For each original broker's license a fee of twenty-five dollars, and for each biennial renewal thereof, a fee of twenty dollars.

II. For each original salesman's license a fee of fifteen dollars, and for each biennial renewal thereof, a fee of ten dollars.

III. For each duplicate license, a fee of three dollars.

IV. For each license amendment a fee of three dollars, and for each certificate showing whether a person has been licensed as a broker or salesman a fee of one dollar.

V. For each check returned for insufficient funds or any other reason a service charge of three dollars.

Amend the bill by striking out section 11.

Further amend the bill by renumbering section 12 to read 11.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Transcript. Amend RSA 331-A:7 (supp) as amended by 1959, 222:1; 1961, 213:2; and 1969, 416:17 by inserting in line twenty-two after the word "appropriated" the words (The commission is authorized to charge the broker or salesman a reasonable fee for any copies of said transcript furnished him) so that said section as amended shall read as follows: 331-A:7 Suspension or Revocation of License. Full power to revoke or suspend licenses granted under the provisions of this chapter shall be vested in the commission subject to the provisions of review by the superior court upon reasonable appeal as set forth in this provision. The commission may, upon complaint or upon its own motion, after reasonable notice of the charges in writing and a hearing thereon, revoke the license of any broker or salesman, or suspend such license for such period as may be just upon finding that such licensee has been guilty of any unlawful, dishonest, deceitful or fraudulent conduct in connection with his business as such broker or salesman. The commission shall give the licensee at least fourteen days' written notice, prior to the date of hearing, of the charges to be heard by it, and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person or any relevant records or documents in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. Said commission shall keep a complete stenographic record of its proceedings in such cases. For this purpose the commission is authorized to employ a temporary reporter and fix his compensation and the governor is authorized to draw his warrant for said sums out of any

money in the treasury not otherwise appropriated. The commission is authorized to charge the broker or salesman a reasonable fee for any copies of said transcript furnished him. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commission as are paid sheriffs and witnesses in matters pending before the superior court. The determinations of the commission shall be in writing and officially signed by the chairman, or acting chairman. The original of such determinations, when so signed, shall be filed in the office of the commission and copies thereof shall be mailed to the broker or salesman, addressed to his place of business, and to the complainant, if any, within two days after filing thereof. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee, within thirty days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried in the superior court de novo without jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

Rep. Shirley Clark explained the bill at the request of Rep. deBlois.

(discussion)

Rep. deBlois spoke against the bill.

Amendment lost.

Rep. George Roberts requested a division.

#### PARLIAMENTARY INQUIRY

Rep. George Roberts rose on a point of parliamentary inquiry.

Rep. George Roberts withdrew his request for a division.

Under the Rules the Speaker referred SB 6 to Appropriations.

#### SB 19

transferring the office of planning and research to the office of the governor. Rep. Shirley Clark for Executive Departments and Administration. Ought to pass with amendment.



## AMENDMENT

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Office Transferred. Amend RSA 4 by inserting after section 12-a (supp) the following new sections:

4:12-b Office of State Planning. The office of planning and research of the division of economic development, department of resources and economic development established pursuant to RSA 12-A is hereby transferred together with all of its powers, functions, duties, personnel, records and property to the office of the governor, except the two resources planners presently assigned to the planning office and their attendant powers, functions, duties, records and property. Henceforth, whenever reference is made in the statutes to the office of planning and research, it shall be construed to mean the office of state planning. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified employee in the state service on effective date of this act shall be required to take an examination to remain in his position.

4:12-c Supervision and Duties. The office of state planning shall be under the supervision and direction of the governor or his designee. In addition to such other duties as the governor may assign, the office of state planning shall acquire and maintain a current record of all large subdivision developments in the state and keep the governor aware of all such activity and proposed actions. Amendment adopted.

Ordered to third reading.

## RECESS

## AFTER RECESS

(Rep. O'Neil in the Chair)

## ENROLLED BILLS REPORT

HB 13, relative to the Central New Hampshire Turnpike, and making an appropriation therefor.

HB 29, relative to the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon.

HB 44, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen.

HB 48, legalizing the annual town meeting of the town of Gilmanton held March 10, 1970.

HB 49, legalizing the annual meeting held March 10, 1970 in the town of Easton.

HB 50, relative to the firemen's retirement system.

HB 8, increasing the amount authorized for state guarantee on municipal bonds for water pollution.

HJR 3, appropriating additional funds for the interest and dividends tax division of the state tax commission.

SB 32, relative to the Cooperative School District No. 1 of the town of Derry and legalizing the school district meeting of the towns of Easton, Franconia, and Sugar Hill and legalizing the formation of the Lafayette Regional School District, and dissolving the charter of the Daniel Webster Junior College and transferring all its rights and degree granting authority to New England Aeronautical Institute.

Roxie A. Forbes  
for the Committee

Accepted.

#### COMMITTEE REPORTS CONTINUED

The Speaker called for the special order for 11:02 on

#### **SB 30**

relative to increasing the interest charged for delinquent redemptive and subsequent tax payments.

Rep. Sayer, having voted with the majority, moved that the House reconsider its action whereby it passed SB 30 and spoke in favor of the motion.

#### PARLIAMENTARY INQUIRY

Rep. McMeekin rose on a point of parliamentary inquiry.

The Clerk read the action taken by the House on SB 30.

The question being on reconsideration of SB 30.

Reps. Hanson, Morrison, deBlois and Mabel Richardson spoke against reconsideration.

(discussion)

Reps. Maloomian and Healy spoke in favor of reconsideration.

Rep. Austin moved the previous question; sufficiently seconded.

A division was requested.

### PARLIAMENTARY INQUIRY

Rep. Sayer rose on a point of parliamentary inquiry.

Rep. Van Gardner spoke against reconsideration.

The question being on the motion to reconsider SB 30.

The vote being manifestly in the negative, the motion to reconsider lost.

### SB 31

relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor. Rep. Drake for Appropriations. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out 158:9-c as inserted by section 1 and inserting in place thereof the following:

II. The fee for licenses issued to non-residents shall be four dollars, which fee shall be deposited as unrestricted general fund revenue.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2. Appropriation. There is hereby appropriated the sum of five hundred dollars to be expended by the director of state police for the initial cost of the forms required by RSA 158:9-d. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Rep. Drake explained the amendment.

Amendment adopted.

Ordered to third reading.

## SB 6

relative to the real estate commission and making an appropriation therefor. Rep. Goff for Appropriations. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Special Fund. Amend RSA 331-A:5 (supp) as amended by 1959, 221:1; 1965, 319:3; and 1969, 461:11 by striking out said section and inserting in place thereof the following:

331-A:5 Fees. The following fees shall be charged and collected by the commission and shall be paid into the general fund of the state treasury:

I. For each original broker's license a fee of twenty-five dollars, and for each biennial renewal thereof, a fee of twenty dollars.

II. For each original salesman's license a fee of fifteen dollars, and for each biennial renewal thereof, a fee of ten dollars.

III. For each duplicate license, a fee of three dollars.

IV. For each license amendment a fee of three dollars, and for each certificate showing whether a person has been licensed as a broker or salesman a fee of one dollar.

V. For each check returned for insufficient funds or any other reason a service charge of three dollars.

Further amend the bill by striking out section 8 and inserting in place thereof the following:

8 Transcript. Amend RSA 331-A:7 (supp) as amended by 1959, 222:1; 1961, 213:2, and 1969, 416:17 by inserting in line twenty-two after the word "appropriated" the words (The commission is authorized to charge the

broker or salesman a reasonable fee for any copies of said transcript furnished him) so that said section as amended shall read as follows: 331-A:7 Suspension or Revocation of License. Full power to revoke or suspend licenses granted under the provisions of this chapter shall be vested in the commission subject to the provisions of review by the superior court upon seasonable appeal as set forth in this provision. The commission may, upon complaint or upon its own motion, after reasonable notice of the charges in writing and a hearing thereon, revoke the license of any broker or salesman, or suspend such license for such period as may be just upon finding that such licensee has been guilty of any unlawful, dishonest, deceitful or fraudulent conduct in connection with his business as such broker or salesman. The commission shall give the licensee at least fourteen days' written notice, prior to the date of hearing, of the charges to be heard by it, and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person or any relevant records or documents in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. Said commission shall keep a complete stenographic record of its proceedings in such cases. For this purpose the commission is authorized to employ a temporary reporter and fix his compensation and the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The commission is authorized to charge the broker or salesman a reasonable fee for any copies of said transcript furnished him. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commission as are paid sheriffs and witnesses in matters pending before the superior court. The determinations of the commission shall be in writing and officially signed by the chairman, or acting chairman. The original of such determinations, when so signed, shall be filed in the office of the commission and copies thereof shall be mailed to the broker or salesman, addressed to his place of business, and to the complainant, if any, within two days after filing thereof. The action of the commission in revoking or sus-

pending a license shall be subject to appeal to the superior court at the instance of the licensee, within thirty days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried in the superior court de novo without jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

Further amend the bill by striking out section 11 and renumbering section 12 to read 11.

Amendment adopted.

Ordered to third reading.

#### SB 14

permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above. Rep. Ferguson for Appropriations. Inexpedient to legislate.

Rep. Raiche moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Ferguson explained the committee position on SB 14.

Reps. Radway, Brungot, Carrier, Greene, Zachos, Twardus, Maloomian, Coutermarsh, Bowles, Angus and Goff spoke in favor of the motion.

Rep. Ormiston spoke against the motion.

(discussion)

(Speaker in the Chair)

Reps. Stevenson, Margaret Cote, Logan, Nixon and Vachon spoke in favor of the motion.

Rep. Raiche answered questions at the request of Rep. Ferguson.

Rep. Pollock moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

Rep. Raiche requested a division.

Rep. Ormiston requested a roll call, seconded by Rep. Brungot.

Rep. Brungot withdrew her second.

The question being, substituting the words, ought to pass, for inexpedient to legislate.

The vote being manifestly in the affirmative the motion carried.

The question now being, shall the bill be ordered to third reading.

Adopted.

## **SB 27**

relative to the air pollution commission. Rep. Claflin for Resources, Recreation and Development. Inexpedient to legislate.

Rep. Zachos moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

## **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Membership; Powers. Amend RSA 125:80, III (supp) as inserted by 1967, 433:1, by striking out in line two the word "nine" and inserting in place thereof the word (twelve); by striking out in line five after the word "physician" the word "one" and inserting in place thereof the word (two); by inserting in line six after the word "recreation" the following (two ecologists); by striking out in lines thirty through thirty-three the words "provided that nothing in this subdivision shall be construed to authorize the commission to specify the type, design, method of installation or type of construction of any equip-



ment or manufacturing processes, or the kind or composition of fuels to be sold, stored, or used.”; so that said paragraph as amended, shall read as follows: III. There is hereby created and established an air pollution commission which shall be composed of twelve members, including one representing the steam power generating industry; one representing the fuels industry; one representing the manufacturing component of industry; one representing the field of municipal government; one licensed practicing physician; two representing the field of recreation; two ecologists; and three appointed at large. The members shall be residents of the state and shall be appointed by the governor with the consent of council. Each member shall serve for a term of four years and until his successor shall be appointed; provided that of the original appointments three shall be appointed for a term of two years, three for a term of three years and three for a term of four years. The members shall receive no compensation for their services but shall receive necessary travel and other expenses while engaged in actual work of the commission. The governor and council shall annually select one of the commission members to serve as chairman, and one of the commission members to serve as vice-chairman. When the chairman is absent, it shall be the duty of the vice-chairman to assume and administer the duties of the chairman. The commission shall hold meetings on the call of the chairman or director, of the state air pollution control agency. It shall be the duty of the commission to make suggestions to, and to advise the agency concerning the policies, plans, and goals to be attained in the administration of this subdivision; to hold such hearings, to issue notices of hearings, and subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as the commission may deem necessary; and to keep the governor and council informed on matters relative to air pollution. The commission shall have the power to make, issue, amend, or repeal and promulgate rules and regulations consistent with this subdivision for the prevention, control and abatement and limitation of air pollution. Any rules or regulations promulgated pursuant to this subdivision shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned. The state



air pollution control agency shall not require, as a condition precedent to the initial sale of a vehicle or vehicular equipment, the inspection, certification or other approval of any feature or equipment, designed for the control of emissions from motor vehicles, if such features or equipment have been certified, approved or otherwise authorized pursuant to federal law. However, no such rule, regulation, amendment, or repeal shall be adopted except after public hearing. Said public hearing shall be held by the commission provided that thirty days' notice thereof shall be given by public advertisement stating the date, time, and place of the hearing; provided further that no such rule, regulation, amendment, or repeal shall be or become effective until thirty days after such public hearing, or until such time as shall be determined by the commission to be reasonable and necessary. To properly carry out its duties, the commission is authorized to utilize the services of the agency.

Further amend the bill by striking out section 3 and renumbering section 4 to read 3.

4 Effective Date. This act shall take effect sixty days after its passage.

Rep. Zachos explained his amendment.

Reps. O'Neil and Claflin spoke in favor of the motion.

Adopted.

Amendment adopted.

Ordered to third reading.

#### ENROLLED BILLS REPORT

SB 9, relative to the Pierce Brigade, Inc.

SB 34, relative to the salaries of the justices and clerks of Manchester district court and relative to distribution of reports of the supreme court and Revised Statutes Annotated.

SJR 1, establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the state of New Hampshire and recommending legislation to implement the same.

Roxie A. Forbes  
for the Committee

Accepted.

## SB 23

increasing the appropriation for the southwestern state park extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead. Rep. Drake for Appropriations. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Additional Appropriation. Amend Laws of 1961, 263:5-a as inserted by 1965, 281:22 and amended by 1967, 394:18 and 1969, 506:2 by striking out said section and inserting in place thereof the following: 263:5-a Additional Appropriations. In addition to the sums specified in section 5 the following sums are appropriated for the purposes indicated:

Southwestern state park	\$1,500,000
Cannon mountain project	800,000
Connecticut lakes study	25,000
Rye harbor project	7,000
Shelburne basin project	10,000
Sunapee ski lift	500,000
Ossipee lake	400,000
Planning	250,000
<hr/>	
Total	\$3,492,000
Less: Federal funds	1,746,000
<hr/>	
	\$1,746,000
Additional state funds	125,000
<hr/>	
	\$1,871,000

The appropriation for each of the above individually specified projects may not be expended unless participating federal funds are available for that specific project, provided that the appropriation for additional state funds in the amount of \$125,000 may be used for any expenses for the above programs for which federal funds are not available.

The individual project appropriations as provided above shall not be transferred or expended for any other purpose; provided however, that the governor and council may transfer any balance remaining after completion of any individual project to other projects within the same section.

The entire balance remaining after the thirty-eight thousand dollars appropriated by section 3 of this act has been charged thereto, in the Pawtuckaway reimbursement fund, which was placed in escrow with the state treasurer by the governor and council on December 29, 1969, in the approximate amount of one hundred and forty-six thousand two hundred and sixty-four dollars plus interest is hereby appropriated to be used as part of the state's share of the appropriation herein made for southwestern state park.

The appropriation provided by this section shall be available for expenditure until June 30, 1972.

2 Bonds or Notes Authorized. Amend Laws of 1961, 263:6 as amended by 1965, 281:23 and 1967, 394:19 by striking out the same and inserting in place thereof the following: 263:6 Bonds or Notes Authorized. For the purpose of providing funds necessary for the appropriations made by sections 5 and 5-a, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow on the credit of the state from time to time, a total of ten million, seven hundred twenty-four thousand, seven hundred thirty-six dollars for the purpose of carrying into effect the provisions hereof and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity date of such bonds or notes shall be determined in each case by the governor and council but in no case shall they be later than 1990.

Amendment adopted.

Ordered to third reading.

## SB 7

ratifying the compact for education, and making an appropriation therefor. Rep. Drake for Appropriations. Ought to pass.

Ordered to third reading.

**SB 24**

reducing the appropriation for a data processing building providing for the lease of additional office space, and appropriating therefor, providing for a study committee and providing for additional personnel for data processing. Rep. George Roberts for Appropriations. Ought to pass with amendment.

**AMENDMENT**

Amend the title by striking out the same and inserting in place thereof the following:

reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, providing for additional personnel for data processing, and applying restrictions to the post office renovation and purchase funds.

Further amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation for Lease. The sum of one hundred sixty thousand dollars is hereby appropriated to be expended by the department of administration and control for salaries and current expense for the lease of approximately thirty thousand square feet of office space from NH-Vt Blue Cross and Blue Shield, in Concord, New Hampshire, for state agencies as follows:

**Additional office space:****Personnel services**

Permanent	\$27,000
Other	2,000
Current expense	91,000
Moving and renovations	40,000

---

Total appropriation	\$160,000
---------------------	-----------

This appropriation shall not lapse until June 30, 1971. Any department or agency which is assigned space in the new quarters shall be liable for the payment of rental charges for the space so utilized if funds are available in

departmental appropriations. The department of administration and control may assess a fair and equitable charge for the space assigned and all rents received shall be credited to the unrestricted general fund. Funds hereby appropriated shall be available for expenditure for all required costs of the operation and maintenance of the leased facility and including the cost of moving the agencies assigned. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Rep. George Roberts explained the bill at the request of Rep. Newell.

Amendment adopted.

Ordered to third reading.

(discussion)

## **SB 25**

relative to the department of centralized data processing. Rep. Shirley Clark for Executive Departments and Administration. Ought to pass.

Rep. Bowles offered the following amendment.

### **AMENDMENT**

Amend section 4 of said bill by striking out the last sentence of RSA 8-C:10 so that said section as amended shall read as follows:

4 Federal Rules. Amend RSA 8-C (supp) as inserted by 1967, 253:1 by inserting after section 9 the following new section: 8-C:10 Federal Exceptions. If any department or agency of the state is advised by the federal government that its data processing equipment or its forms, methods or techniques in utilizing said equipment does not comply with any federal rule, regulation or law, then the governor and council may authorize the department or agency to alter its data processing equipment or its forms, methods or techniques to comply with any such rule, regulation or law.

The Clerk read the amendment in full.

Rep. Bowles explained the amendment.

(discussion)

Rep. Shirley Clark spoke against the amendment.

Rep. Craig spoke in favor of the amendment.

Rep. Maloomian moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being on the adoption of the amendment.

Amendment adopted.

Ordered to third reading.

### **SB 36**

authorizing the issuance of motor vehicle registration plates of whatever duration the director provides. Rep. George Roberts for Appropriations. Ought to pass with amendment.

### **AMENDMENT**

Amend by striking out the title and inserting in place thereof the following:

An Act authorizing the issuance of motor vehicle registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.

The Clerk read the amendment in full.

### **PARLIAMENTARY INQUIRY**

Rep. Belanger rose on a point of parliamentary inquiry.

Amendment adopted.

Ordered to third reading.

### **SENATE MESSAGE**

SB 3, relative to the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.

Senate refusal to concur in House amendment and request for committee of conference. Senate conferees Sens. Koromilas and Claveau.

Rep. Zachos moved to accede to request for committee of conference.

Adopted.

The Speaker appointed Reps. Andrews, Palmer and Carrier as conferees on the part of the House.

Senate Concurrence on HB 39, providing for full disclosure in land sales and making an appropriation therefor, with amendment and request for concurrence.

### AMENDMENT

Amend RSA 356-A:14, I as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

I. Any person aggrieved by a decision or action of the agency may appeal from said decision or action to the superior court for trial de novo. The superior court may affirm, reverse, or modify the commission's decision or action as justice may require.

Amend the bill by striking out section 2 and renumbering section 3 to read 2.

Rep. Zachos moved that the House nonconcur in Senate amendment, and requested a committee of conference.

Adopted.

The Speaker appointed Reps. Zachos, Nixon and Norman-din as conferees on the part of the House.

Rep. Trowbridge moved that SB 29 be removed from the table.

Adopted.

### SB 29

relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school. Rep. Greene for Education. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Class II Highway Created. From the effective date of this act, the 1.1 miles of highway known as the Old North Road, beginning from exit 10 on Route 89 south-east to the entrance of the Kearsarge regional school building is classified as a class II highway.

2 Reconstruction. The portion of highway referred to in section 1 shall be reconstructed under the supervision and direction of the department of public works and highways, the cost of such reconstruction shall be paid for one-half by the town of Sutton and one-half by the state from funds for state aid for class II highways.

3 Maintenance. Subsequent to the reconstruction provided for in section 2 the maintenance of said portion of highway shall be the responsibility of the town of Sutton for winter maintenance and the responsibility of the state for summer maintenance.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Rep. Greene offered the following amendment.

## AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect January 1, 1971.

Amendment adopted.

Ordered to third reading.

The Speaker called for the special order for 11:01.

**HB 57**

making amendments to the business profits tax and the act imposing a tax on certain income. No report.



Rep. O'Neil moved that HB 57 be ordered to third reading.

Rep. O'Neil yielded to Rep. Reddy to explain the bill.

(discussion)

Rep. Bednar spoke against the bill.

Rep. Maloomian moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.

Adopted.

The question now being, shall the bill be ordered to third reading.

Rep. Lemire requested a division.

210 members having voted in the affirmative and 27 in the negative, the motion adopted by the necessary 2/3 vote.

Rep. Bednar wished to be recorded as voting against HB 57.

#### **SB 8**

increasing the salary of the Strafford county attorney. Rep. Shirley Clark for the Strafford County Delegation. Ought to pass with amendment.

#### **AMENDMENT**

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

increasing the salary of the Strafford county attorney and empowering the Strafford county convention to set the salaries of certain county officers.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Strafford County Attorney. Amend RSA 7 by inserting after section 35-c (supp) as inserted by 1969, 490:2 the following new section: 7:35-d Strafford County Attorney. The annual salary for the Strafford county attorney shall be established by the Strafford county convention

prior to the last day for filing as a candidate for county attorney in each biennial primary election at a rate of not less than sixty-five hundred dollars and shall become effective on January 1 following said election.

2 Treasurer. Amend RSA 29 by inserting after section 14-c (supp) as inserted by 1969, 490:8 the following new section: 29:14-d Strafford County Treasurer. The annual salary of the Strafford county treasurer shall be established by the Strafford county convention prior to the last day for filing as a candidate for county treasurer in each biennial primary election at a rate of not less than seven hundred and fifty dollars and shall become effective on January 1 following said election.

3 County Commissioners. Amend RSA 28 by inserting after section 28-c (supp) as inserted by 1969, 490:4 the following new section: 28:28-d Strafford County Commissioners. The annual salary of the Strafford county commissioners shall be established by the Strafford county convention prior to the last day for filing as a candidate for county commissioner in each biennial primary election at a rate of not less than two thousand dollars and shall become effective January 1 following said election.

4 Strafford County Sheriff. Amend RSA 104:29, VIII (supp) as inserted by 1967, 312:1 by inserting in line one after the words "shall be" the words (established by the Strafford county convention prior to the last day for filing as a candidate for sheriff in each biennial election at a rate of not less than) and by striking out in line seven the words "superior court" and inserting in place thereof the words (county commissioners) so that said paragraph as emended shall read as follows: VIII. In Strafford the annual salary of the sheriff shall be established by the Strafford county convention prior to the last day for filing as a candidate for sheriff in each biennial primary election at a rate of not less than nine thousand five hundred dollars. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to

the approval of a justice of the county commissioners. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

5 Strafford Deputy Sheriffs. Amend RSA 104 by inserting after section 31 the following new section: 104:31-a Reports. The chief deputy, all deputy sheriffs and special deputy sheriffs of Strafford county shall report annually to the sheriff the number of civil writs and other processes served, and said reports shall include the total amounts collected in fees and mileage charges. Such annual reports shall be incorporated into the sheriff's annual report to the county commissioners.

6 Strafford County Register of Deeds. Amend RSA 478:18 as amended by 1967, 442:1 and 1969, 402:1 by striking out said section and inserting in place thereof the following: 478:18 Salary. The annual salary of the register of deeds for Strafford county shall be established by the Strafford county convention prior to the last day for filing as a candidate for register of deeds in each biennial primary election at a rate or not less than nine thousand dollars and shall become effective January 1 following said election. Said salary shall be paid in equal monthly installments.

#### 7 Repeal.

I. RSA 7:35, IX (supp) as amended by 1969, 30:1, relative to the salary of Strafford county attorney, is hereby repealed.

II. RSA 29:14, IX (supp) as inserted by 1969, 30:2, relative to the salary of the Strafford county treasurer, is hereby repealed.

III. RSA 28:28, IX (supp) as inserted by 1969, 30:3, relative to the salary of the Strafford county commissioners, is hereby repealed.

8 Temporary Provisions. Notwithstanding other provisions of this act the salary of the Strafford county attorney for the period from July 1, 1970 to December 31, 1970, shall be three thousand two hundred and fifty dollars.

9 Effective Date. The provisions of this act authorizing the Strafford county convention to set certain salaries of county officials shall take effect upon the passage of this act. The provisions of section 8 shall take effect July 1, 1970. The salaries established for said county officials under this act and the provisions of section 7 of this act shall take effect January 1, 1971.

Amendment adopted.

Ordered to third reading.

Rep. O'Neil moved that the Rules of the House be so far suspended as to permit the order of business at the late session to be in order at the present time, bills be read by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 10:00 o'clock.

Adopted.

Appointments to the Interim Committee to study hazardous man-made pits in the earth (Ch. 311 Laws of 1969): Reps. Heald, Daloz, Poehlman.

Remarks of Minority Leader Raiche on HB 1 on April 9, 1970:

Speaker Cobleigh in his opening remarks stated that he hoped that the ugly head of partisan politics would not appear during this special session and I would hope that the ugly head is not raised in today's debate.

I am going to attempt to give you three real reason why we should not vote for the 6% Business Profits Tax.

1) Dealing with revenue estimates.

2) Dealing with the fiscal picture of the State of New Hampshire if we pass all of the Governor's tax recommendations.

3) The effect of the business profits tax on the cities and towns.

There are charts available in the Sergeant at Arms room.

There are three ways of estimating revenues on a proposal such as the Business Profits Tax:

One way of estimating revenues is on the salary growth in a particular state which indicates the corporate growth and, therefore, gives you the estimated revenue. Dr. Papke said that the salary growth in New Hampshire bears out the fact that corporate profits were increasing. However, the good Doctor did not know that part of the salary growth in this State was a direct result of the increasing numbers of people who are living in this State and earning their wages in Massachusetts, therefore, his projection is not an accurate one.

The second way is to take the National Corporate Profits and apply a 3.4 formula to that and determine how much corporate profits is attributable to the State of New Hampshire. Rod Tenney, who appeared before the Ways and Means Committee, did use this formula, however, he did not recognize the decrease in corporate profits since July of 1969.

Rod Tenney's estimates begin in 1966 and project a growth factor beyond that period. However, this is not the case: Witness, Sanders Associates decline in profits for 1969.

If you look at the green line on the chart, it shows us Rod Tenney's projected corporate profits, which would have meant that we would have had a total National Corporate Profit of \$107 billion in 1969 when in actuality according to the United State Bureau of Census, Department of Commerce, Survey of Current Business, that the total corporate profits for 1969 were \$91.7 billion. This is where the estimated difference lies.

Mr. Tenney continues to estimate that there will be a rise in corporate profits. Dr. Samuelson, Dr. Freedman, Dr. Menge, Dr. Rosen and Dr. Pidot have predicted that there will be a decrease in corporate profits over the next two or three years.

Professor Papke was retained on the Saturday before the hearing on the following Tuesday and testified as to the two methods that were used in calculating the business profits were valid methods, but he did not recognize the Massachusetts factor. He did not know that there are various people earning salaries in Massachusetts and living in New Hampshire. Of course, he doesn't know this. He is not from the State of New Hampshire and wouldn't recognize this.

The Governor told the Manchester delegation that he had contacted Dr. Papke in December, however, I have a tape recording of Professor Papke telling Don Tibbetts on a news interview that he had talked to the Governor for the first time about the Business Profits Tax on the Saturday before the hearing and did not see the bill until Tuesday, the day of the hearing.

The third method has not been used as far as I know by anyone estimating this tax because it is a very difficult method.

It is not fair to compare Drs. Menge, Rosen and Pidot, who did the total research on the Business Profits Tax against an Economist who was retained on the Saturday before the hearing and saw the bill for the first time on Tuesday and who testified on methodology and not on revenue estimates.

This is the first part of my argument that this tax will not earn us \$22.8 million. As a matter of fact the high estimate of these three gentlemen is \$18 million.

The cities and towns give up a method of taxation which is not being replaced by the Business Profits Tax and these cities and towns will have to come to the State for all of their revenues; except for the property taxes paid by the home owners in these cities and towns.

If we continue the 10% growth on the business Profits Tax, we will bankrupt the Treasury after a short number of years so that, obviously, the review of that formula that the Governor is suggesting will not send back ten percent forever.

Whenever the cities and towns need revenue increases, which is every year, they share the increase between industry and the private home owner and if we take the businesses and industries out of the picture, the cities and towns will only have the property tax payor to place the burden on over the long run. If a crisis or a drastic raise in the budget of a city or town arises, then the private home owner and renter will share the total cost of the increase all by himself.

Witness, the increase of 25% in the Manchester budget which will result in the property taxpayer paying the whole burden except for \$300,000, which is the increase in payment for the loss of repealed taxes.

Industries, which contribute to community problems; such as, water pollution, will not pay their fair share of cleaning the water which they are polluting. They will pay an increased property tax which will be proportional to the home owner, but that is not and cannot be considered their fair share.

On October 14, 1969, a projection was made that there would be a surplus in the State of New Hampshire, with all the revenues and expenditures included, in the amount of \$72,867. The 4% non-residents tax will raise somewhere in the vicinity of \$1,700,000, according to the Task Force estimates. The economists have predicted that this tax, after a great deal of review and study; remembering they are the only ones who did the actual study, as far as I know, outside of the Governor's people, and the economist, Dr. Papke from Purdue, has done no study that we have been made aware of and he has admitted that he has done none, will raise \$18 million. Marshall Cobleigh has estimated that a .02c increase in tobacco tax will raise \$2 million. In talking with Arthur Drake, he says the \$.01 increase will raise \$750,000, so I have overestimated the tobacco tax increase by \$1,250,000. The increase in the racing tax, the  $\frac{1}{2}$  of 1%, will raise \$550,000, which is a total of \$22,322,867. Now, if we repeal the lineal descendants from the inheritance tax, we are talking about removing \$7,100,000. This means we will have \$15,222,867 left in the Treasury. Let me just say that this \$15,222,867 is the estimated revenues minus the lineal descendants section of the inheritance tax. Now, we have \$1 million in additional unrestricted revenue from tobacco and liquor, which could be as high as \$1,500,000 as reported by Arthur Drake of the Appropriations Committee. We are now talking about \$16,222,867 left in the Treasury from this particular increase.

Now, I was informed this morning by the Treasurer's office that there will be an increase in debt service charges of \$1,200,000, so we must subtract that figure from the amount of money left in the Treasury leaving us with a new total of \$15,022,867.

Now, the Governor has indicated that he is going to send \$17 million back to the cities and towns. Now, there will be actually more than that because we have passed an amendment which will take more money from this particular tax. But let us assume that this does not occur; that my figures on the overestimates and underestimates come out to zero; in other words, they balance out.



If you agree with the economist, Dr. Menge, we are talking about a total shortage of \$2,577,133. If you agree with the Governor, and I am sure some of you do, the most that will be left in the Treasury to spend is somewhere in the vicinity of \$2 million. So let us keep this in mind.

Where does the money for handicapped children, for mentally retarded children, for drug control and education, for non-public school aid, for the raise in salaries for State employees come from?

Let me say a word or two about the Governor's allegation that we have been irresponsible. The Task Force and Special Session will cost the State in excess of \$350,000. I have explained why this tax will not do what the Governor says it will do. Let me ask you, who is being irresponsible? Governor Peterson's Executive Committee rejected the recommendations of the taxation sub-committee (the Palazzi Committee). Is this responsible? Governor Peterson's estimates appear to be inaccurate and worse than that, inadequate. Is that responsible? Governor Peterson's estimates, even if accurate, will prove insufficient. Is that responsible?

Tax measures we have prepared, including the "Formula 7" approach on a 5% income tax was not allowed and blocked in the Rules Committee. Is this responsible?

This tax, which seems to be founded on the theory that "half a loaf is better than none", even at a cost of \$350,000, is not a responsible answer to the State's needs. This "half a loaf" made attractive with "half baked" promises and estimates is not a responsible position.

Let me say a few words about some of the allegations made here today about stands I have taken in the past. We have attempted to introduce a piece of legislation that would have provided the necessary funds for non-public schools, aid the mentally retarded, aid the cities and towns and that was blocked. Where does the responsibility lie now? Where's the money to fund these programs that our Majority Leader spoke about? Where is the money David Nixon talked about? I have a great deal of admiration and respect for these people, but where is the money coming from?

Stock and Trade and Machinery taxes are not fair taxes, I agree, and I would reiterate that, as has already been done



for me by Mr. Nixon, whom I didn't realize was paying so much attention to what I had to say.

The 6% Business Profits Tax is a fairer tax if you hold them apart; Stock and Trade on the one hand; Business Profits on the other hand, but what is it going to cost the cities and towns, the taxpayers, the individual who can barely hold onto his home now, the retired couple on Social Security?

They are going to have to pick up the bulk of the revenues that will not be coming back through industry, so there will be no more sharing with industry the costs of the cities; such as Manchester's \$5 million increase, and there will be no sharing in any cities and towns. You're going to get 10%. You're going to get it for one, two or maybe three years, but you're not going to get it after that and from that day on the personal property taxpayer is the one who is going to carry the load.

Now, there are several statements that were made here today about my position and my stands and I feel that I have always taken a responsible position; a position that would take the State out of debt and provide the necessary services. Unfortunately, I don't feel that those who have taken the opposite position are responsible.

Mr. Speaker, I will now answer any questions that might come from the members and I hear you have a few people waiting to ask them. I will answer them gladly.

### LATE SESSION THIRD READINGS

SB 6, relative to the real estate commission and making an appropriation therefor.

SB 31, relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

SB 37, relative to fees for medical referees.

SB 19, transferring the office of planning and research to the office of the governor.

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations.

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.

### RECONSIDERATION

Rep. Vachon, having voted with the majority, moved that the House reconsider its action whereby it passed SB 14 and spoke against the motion.

Motion lost.

SB 27, relative to the air pollution commission.

SB 23, increasing the appropriation for the southwestern state park, extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead.

SB 7, ratifying the compact for education and making an appropriation therefor.

SB 24, reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, providing for additional personnel for data processing, and applying restrictions to the post office renovation and purchase funds.

SB 25, relative to the department of centralized data processing.

### RECONSIDERATION

Rep. Bowles, having voted with the majority, moved that the House reconsider its action whereby it passed SB 25, and spoke against the motion.

Motion lost.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school.

## RECONSIDERATION

Rep. Andrews, having voted with the majority, moved that the House reconsider its action whereby it passed SB 29 and spoke against the motion.

Motion lost.

SB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.

SB 8, increasing the salary of the Strafford county attorney and empowering the Strafford county convention to set the salaries of certain county officers.

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

Rep. Raiche moved to adjourn at 5:20 P.M. in honor of the children cleaning up litter throughout the state.

Adopted.

---

*Thursday, 23Apr70*

Rev. W. L. Shafer, House Chaplain, offered prayer.

CHRISTOS ANESTE . . . . .

O Lord, who blessest those who bless thee, and sanctifiest those who put their trust in thee: save thy people and bless thine inheritance; preserve the fulness of thy Church; sanctify those who love the works of your righteousness; glorify them in recompense by thy divine power, and forsake us not who hope on thee, Give peace to thy world, to thy Churches, to the priests, to all civil authorities, to our Armed Forces, and to all thy people: for every good and perfect gift is from above, and cometh down from thee, the Father of Lights, and unto thee we ascribe glory, thanksgiving, and worship: to the Father,

and to the Son, and to the Holy Spirit: now and ever, and unto ages of ages. Amen.

(from the "DIVINE LITURGY" of  
the Greek Orthodox Church)

Rep. LaGasse led the Pledge of Allegiance.

Rep. Fred Goode was granted leave of absence for the day on account of important business.

### SENATE MESSAGE

Senate accedes to request for a committee of conference on:

HB 39, providing for full disclosure in land sales and making an appropriation therefor, and the President has appointed as members of said Committee on the part of the Senate: Senators Mason and Bourque.

Senate concurrence on:

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities.

HB 14, relative to the sale of subdivided land.

HB 15, to define jurisdiction over dredge and fill operations in waters and wetlands located in this state.

HB 28, providing for medical facilities at the industrial school and making an appropriation therefor.

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

HB 45, to legalize certain meetings of the Rye Beach Village District.

HB 46, to legalize the 1969 town meeting in the town of Hampton.

HB 53, relative to sick leave for employees of the city of Manchester.

HB 55, relative to tax exemption for Nutfield Heights Inc., a community housing project for elderly persons.

HB 56, relative to the definition of obscenity.

Senate concurrence on:

CA-CR 2, relative to: Establishing a four year term for Governor. Providing that: The governor shall be elected every four years on the nonpresidential election years, and no person shall serve more than two terms consecutively.

Senate concurrence in House amendments.

SB 21, to clarify the authority of the water supply and pollution control commission.

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

Senate amendment to HB 42, relative to the administration of the insurance laws.

See SJ Apr. 21, p. 210.

See SJ Apr. 22, p. 250 — for Part No. 1.

#### Part No. 2

17. New Subdivision. Amend RSA 400 by inserting after section 26 the following subdivisions:

#### Advisory Committee

400:27 Advisory Committee Established. There is hereby established the New Hampshire Advisory Committee on Insurance Matters. The committee shall have ten members from which a chairman shall be annually elected. The committee shall consist of the following persons:

I. The insurance commissioner and his deputy;

II. The chairman of the senate committee on banks, insurance and claims or his designee and the chairman of the house committee on banks and insurance or his designee;

III. Three persons appointed annually by the executive committee of the New Hampshire association of independent insurance agents;

IV. Three persons appointed annually by the presidents of New Hampshire domiciled life, property and liability insurance companies.

400:28 — Duties of Committee. The committee shall upon the call of the insurance commissioner, or the chairman, consult with, advise, and assist the commissioner in preparing any proposed legislation or regulations. The committee in its recommendations, shall have the objective of assisting the commissioner in achieving

1. An acceptable insurance environment for rendering to the public maximal insurance service by agents and companies,

2. An open market for the insurance-buying public,

3. Recognition that the business is, and should continue, competitive rather than monopolistic.

4. Adequate authority for the insurance department to regulate the business in the public good, and equitably to all sectors of the industry,

5. Legislative proposals which have been tempered and matured by group analysis prior to presentation to the legislature, so they may enjoy the widest opportunity for general support.

18. Effective Date. This act shall take effect upon its passage.

#### AMENDMENT (3)

Amend RSA 400:27, III as inserted by section 17 of the bill by striking out the same and inserting in place thereof the following:

III. One person appointed annually from each of the three following organizations:

New Hampshire Association of Independent Insurance Agents.

Independent Mutual Agents of New England.

New Hampshire State Association of Life Underwriters.

Rep. Bigelow moved concurrence in Senate amendment.  
Adopted.

Senate nonconcurred and requested a Committee of Conference on SB 25, relative to the Dept. of Centralized Data Processing.

Rep. Shirley Clark moved that the House accede to the Senate request for committee of conference.

Adopted.

The Speaker appointed Reps. Shirley Clark, Bowles and Craig as conferees on the part of the House.

Senate amendment to HB 30 making appropriations for the treatment and prevention of alcohol and drug abuse.

Rep. Zachos moved that the House concur.

Rep. Zachos explained the amendment at the request of Rep. Ferguson.

Rep. Drake moved that the motion to concur be laid on the table.

Adopted.

Senate amendment to HJR 2, establishing a commission to recommend changes in the councilor districts.

Amendment in Senate Journal of April 22, page 267.

Rep. Zachos moved that the House concur in the Senate amendment.

Rep. Ferguson requested that every Senate amendment be explained because there were no Senate Journals available.

Rep. Zachos explained the amendment.

(discussion)

Adopted.

Senate amendment to HB 47, legalizing the annual meeting of March 10, 1970, in the town of Hudson.

Amendment in Senate Journal of April 22, page 233.

Rep. Bednar moved that the House concur in the Senate amendment.

Rep. Bednar explained the amendment.

Adopted.

Senate amendment to HB 7, to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony.

Amendment in Senate Journal of April 22, page 236.

Rep. Zachos moved that the House nonconcur in the Senate amendment and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Frizzell, Record and Normandin as conferees on the part of the House.

Senate amendment to HB 32, providing for the board of registrars for the city of Nashua.

Amendment in Senate Journal of April 22, page 269.

Rep. Wallin moved concurrence in the Senate amendment

Rep. Wallin explained the amendment.

Adopted.

Senate amendment to HB 22, relative to the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs.

Amendment in Senate Journal of April 22, page 243.

Rep. Remick moved concurrence in Senate amendment.

Rep. Remick explained the amendment.

Adopted.

Senate amendment to HB 18, relative to the burden of proof relating to comparative negligence.

Amendment in Senate Journal of April 22, page 247.

Rep. Zachos moved concurrence in Senate amendment.

Rep. Zachos explained the amendment.

Adopted.



Senate amendment to HB 51, making supplemental appropriations for the expense of certain departments of the state for the fiscal year ending June 30, 1970 and June 30, 1971.

Amendment in Senate Journal of April 22, page 286.

Rep. Eaton moved that the House nonconcur in the Senate amendment and that a committee of conference be set up.

Rep. Eaton explained the amendment.

Rep. Newell moved to amend the motion by adding to the end thereof the words "consisting of members of the Committee on Appropriations", so that the motion as amended shall read as follows:

That the House non-concur in the Senate amendment to HB 51 and that a committee of conference be appointed consisting of members from the Committee on Appropriations, and subsequently withdrew his motion.

Adopted.

The Speaker appointed Reps. Drake, Goff, McGinness, Trowbridge and Zachos as conferees on the part of the House.

Senate amendment to HB 25, to remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent.

Amendment in Senate Journal of April 22, page 261.

Rep. Eaton moved that the House nonconcur in the Senate amendment and that a committee of conference be set up.

Rep. Eaton explained the amendment.

Adopted.

The Speaker appointed Reps. Drake, Goff, McGinness, Trowbridge and Zachos as conferees on the part of the House.

Senate amendment to HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education.

Amendment in Senate Journal of April 22, page 225.

Rep. Eaton moved concurrence in Senate amendment.

Rep. Eaton explained the amendment.

Adopted.

Rep. Zachos moved that HB 30 be removed from the table.

Adopted.

Rep. Drake moved that the House nonconcur in the Senate amendment and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Drake, Goff, McGinness, Trowbridge and Zachos as conferees on the part of the House.

Senate amendment to HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.

See SJ of 4-22, pp. 216, 282 for amendments.

Rep. Shirley Clark moved that the House nonconcur in Senate amendment and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Scamman, MacDonald, Croft, Trowbridge and Goff as conferees on the part of the House.

Senate amendment to HB 6, providing for consumer protection and making an appropriation therefor.

See SJ of 4-22, pp. 220, 281 for amendments.

Rep. Shirley Clark moved that the House concur in the Senate amendment.

Rep. Nixon explained the amendment.

Adopted.

Rep. Bradley moved that the Rules of the House be so far suspended as to allow the introduction of House Concurrent Resolution 7, relating to voters guide.

Adopted.

Reps. Nixon, Craig and Fortier spoke in favor of the resolution.

The question shall the Concurrent Resolution be ordered to third reading.

Adopted.

### ENROLLED BILLS COMMITTEE REPORT

HB 21, relative to out-of-state tuition charges at the university of New Hampshire.

HB 34, to enlarge the authority of the New Hampshire Higher Educational Building Corporation.

Roxie A. Forbes  
for the Committee

Accepted.

Rep. Bittenbender offered the following resolution.

Resolved, that on budget conference report day the journal contain the estimate of revenue prepared by the legislative budget assistant and used by the committee on appropriations in their executive session April 13, which showed a \$4,997,695 net addition available for appropriation by the present special session, or such other revenue figures as may have been used by the conference committee.

Rep Bittenbender explained the resolution.

Rep. O'Neil spoke against the resolution.

(discussion)

At the request of Rep. Soucy the Clerk read the resolution a second time.

### PARLIAMENTARY INQUIRY

Rep. Craig rose on a point of parliamentary inquiry.

Rep. Bowles spoke against the resolution.

Rep. Bednar spoke in favor of the resolution.

Rep. Drake spoke against the resolution.

Rep. Bittenbender withdrew his resolution.

RECESS

## AFTER RECESS

Rep. deBlois, Stevenson, Newell and Kopperl asked questions of the Speaker.

## SENATE MESSAGES

Senate acceded to House Request for committee of conference on:

HB 7, to regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony, and the President has appointed as members of said Committee on the part of the Senate: Senators Koromilas and Bourque.

Senate acceded to House Request for a committee of conference on:

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor, and the President has appointed as members of said Committee on the part of the Senate: Senators Jacobson, Chandler and Marcotte.

## OTHER SENATE MESSAGE

Senate nonconcurrency on SB 23, increasing the appropriation for the southwestern state park, extending the time for the expenditure of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead, and request for committee of conference; the President has appointed as members of said Committee of Conference on the part of the Senate, Senators Armstrong and Lamontagne.

Rep. Trowbridge moved the House accede to the request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Trowbridge, Drake and Goff.

## OTHER SENATE MESSAGE

Senate nonconcurrency on SB 31, relative to the purchase, sale and transportation of explosives and making an appropria-

tion therefor, and request a Committee of Conference; the President has appointed as members of said Committee of Conference on the part of the Senate, Senators Mason and Claveau.

Rep. Raymond moved that the House accede to the request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Raymond, Hackler and McGee.

#### OTHER SENATE MESSAGE

Senate nonconcurrence on SB 8, increasing the salary of the Strafford county attorney, and requests a Committee of Conference; the President appointed Senators Koromilas and Marcotte.

Rep. Pray moved that the House accede to request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Shirley Clark, Maglaras and Leighton as Conferees on the part of the House.

#### OTHER SENATE MESSAGE

Senate nonconcurrence of SB 27, relative to the air pollution commission and requests a Committee of Conference, the President appointed Senators Porter and Bourque.

Rep. Clafin moved that the House accede to request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clafin, Oleson and Junkins.

#### OTHER SENATE MESSAGE

Senate nonconcurrence on SB 6, relative to the real estate commission and making an appropriation therefor, and requests a Committee of Conference; the President has appointed Senators Koromilas and Leonard.

Rep. Shirley Clark moved that the House accede to request for Committee of Conference.

Adopted.

The Speaker appointed Reps. Watson, Bouchard and Bodge.

#### OTHER SENATE MESSAGE

Senate acceded to House Request for a committee of conference on:

HB 25, to remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent, and the President has appointed Senators Gilman, Townsend and Provost.

#### OTHER SENATE MESSAGE

Senate acceded to House Request for a committee of conference on:

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse, and the President has appointed: Senators Gilman, Townsend and Provost.

#### OTHER SENATE MESSAGE

Senate acceded to House Request for a committee of conference on:

HB 51, making supplemental appropriation for the expense of certain departments of the state for the fiscal years ending, June 30, 1970 and June 30, 1971, and the President has appointed: Senators Gilman, Townsend and Provost.

#### OTHER SENATE MESSAGE

Senate amendment to CA CR 5, Relating to: Amendment of Proposal relative to Art. 15 Part Second of the Constitution.

Rep. Zachos moved that the House nonconcur and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Logan, Nixon and Radway.

#### OTHER SENATE MESSAGE

Senate amendment to HB 33, clarifying the statute relative to management-employee relations at the university of New Hampshire.

Rep. Shirley Clark moved that the House nonconcur and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Shirley Clark, Croft and Martin.

## OTHER SENATE MESSAGE

Senate concurrence in House amendments to:

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations.

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.

SB 19, transferring the office of planning and research to the office of the governor.

SB 24, reducing the appropriation for a data processing building providing for the lease of additional office space, and appropriating therefor, providing for a study committee and providing for additional personnel for data processing.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school.

SB 36, An Act authorizing the issuance of motor vehicles registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.

Rep. Raiche moved that the rules of the House and the Joint Rules be so far suspended so as to permit the introduction of a bill, namely House Bill 58, providing for an exemption

from motor vehicle registration fee for certain disabled veterans, not approved for introduction by the rules committee and subsequent to the deadline for introduction and action on bills and to dispense with printing, reference to committee and hearing of said bill and to place said bill before the house for action at the present time.

Reps. Raiche explained the bill.

Reps. O'Neil and Twardus spoke in favor of the motion.

Motion adopted by the necessary 2/3 vote.

### INTRODUCTION OF A BILL

HB 58, providing for an exemption from motor vehicle registration fee for certain disabled veterans.

Rep. Raiche moved that HB 58 be read a third time.

Adopted.

Ordered to third reading.

Rep. Drabinowicz wished to be recorded in favor.

### RESOLUTION

Rep. Angus and Logan offered the following resolution.

*Whereas*, Robert Raiche, a native of Manchester, New Hampshire and Minority Leader of the honorable House of Representatives was selected on February 18, 1970 the outstanding young man of the year by the Manchester Jaycees, and

*Whereas*, he was selected by the New Hampshire Jaycees on March 21, 1970 in Nashua as one of the three outstanding young men in the state of New Hampshire, an award made to young men who have shown extraordinary attitude, determination and enthusiasm in their professional careers and community involvement, and

*Whereas*, he has distinguished himself and brought honor to this House by his service to his city and to the state, and

*Whereas*, his conduct has served as an example to the citizens of New Hampshire to become involved in their local, county and state government, therefore be it



*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our congratulations to Mr. Raiche, and be it further

*Resolved*, that the clerk of the House be instructed to forward a copy of these resolutions to Mr. Robert Raiche.

Unanimously adopted.

Rep. O'Neil moved suspension of the Rules to permit third reading of HB 58 and HCR 7.

Adopted by the necessary 2/3 vote.

### THIRD READING

HB 58, providing for an exemption from motor vehicle registration fee for certain disabled veterans.

HCR 7, Relating to voters guide.

### RECONSIDERATION

Rep. Vachon, having voted with the majority, moved that the House reconsider its action whereby it passed HB 58 and spoke against the motion.

Motion lost.

### OTHER SENATE MESSAGE

Senate acceded to House Request for a Committee of Conference on CACR 5, Relating to: Amendment of Proposal relative to Art 15 Part Second of the Constitution, and the President has appointed Sens. Koromilas, Jacobson and Leonard.

### OTHER SENATE MESSAGE

Senate acceded to House Request for a Committee of Conference on HB 33, clarifying the statute relative to management-employee relations at the university of New Hampshire, and the President has appointed Sens. Gove and Marcotte.

### RESOLUTION

Rep. O'Neil offered the following resolution:

Resolved that House Rules and Joint Rules be so far suspended as to permit the Speaker and the President of the Sen-

ate to discharge and replace a Committee of Conference in the event members cannot meet or request to be discharged because they are unable to agree.

Rep. O'Neil answered questions at the request of Rep. Newell and Rep. McMeekin.

Adopted.

Statement by the Resources, Recreation & Development Committee.

It is the sense of the House Resources, Recreation and Development Committee that the interest of fair play would best be served by an administrative policy of notifying all known abutters of proposals to dredge, fill, etc. in such minor cases as the Water Resources Board may consider without resorting to public hearing.

Adopted by the Committee on April 7, 1970.

Russell G. Claffin  
Chairman

Rep. O'Neil moved adjournment at 3:40 P.M. to meet Thursday next at 10:00 o'clock.

---

*Thursday, 30Apr70*

### JOINT CONVENTION

Rev. W. L. Shafer, House Chaplain, offered prayer.

ETERNAL FATHER — out of our knowledge of history, out of our hopes for the future, grant us wisdom to meet the challenges of the present. Gratefully we accept the privileges of self-government, acknowledging its many demands, and willingly investing our energies in the preservation of freedom. Forgive us for moments of doubt or indecision, inspire us to confidence and faith as we exercise the responsibilities of our elected offices. Grant Thy blessing upon the membership of this Joint Convention as it strives to conclude the work of this Special Session. May truth be our guide, may love be our concern, may

freedom be our witness, and may our every action honor Thy Presence, and benefit our "Granite State." In the Name of Jesus Christ we seek Thee, Eternal Father. Amen.

Rep. Frizzell led the Pledge of Allegiance.

## HOUSE

Reps. Desilets and Parent were granted leave of absence for the day on account of illness.

Rep. Morrow was granted leave of absence for the day on account of illness in the family.

Reps. Kimball and Ormiston were granted leave of absence for the day on account of important business.

Rep. Brungot moved that the men be allowed to remove their coats.

Adopted.

## COMMUNICATION

### *To the House of Representatives:*

The undersigned Justices of the Supreme Court submit the following answer to the question contained in your resolution adopted April 14, 1970 and filed in this court on April 22, 1970, with reference to House Bill No. 35, entitled "An Act clarifying the statute providing for exemptions to persons over seventy against their real estate tax."

The bill provides an exemption from taxation of residential real estate, as defined by RSA 72:29, II, to the assessed value of \$5,000 if owned by a resident seventy years of age or over. The bill provides that it shall apply to those who resided in the state one year preceding the taxable year in which exemption is claimed and limits the exemption to those having a net income in the preceding year of less than \$4,000, if single, and \$5,000, if married. The method of determination of the income is specified in the bill and there is a maximum amount of assets that may be owned by any person applying for an exemption.

The constitutionality of exemptions from tax laws as applied to the elderly under our State Constitution was considered in *Opinion of the Justices*, 105 N. H. 22, 24. What was

said in that case is controlling and applicable to the exemption granted in this bill.

“ ‘In the selective process of classifying certain property for taxation and exempting other property the Legislature has a wide discretion which will be sustained “providing just reasons exist for the selection made.” ’ *Opinion of the Justices*, 95 N. H. 548, 550. While, of course, age and poverty are by no means synonymous, the Legislature and the courts have recognized that in many cases they may have some common attributes. See *Briggs’ Petition*, 29 N. H. 547, 552-553. *Cocheco Mfg. Co. v. Strafford*, 51 N. H. 455, 459. In *State v. Railway*, 84 N. H. 313, 315, it was stated that ‘poverty and misfortune have long been regarded as just grounds of relief’ for the abatement of taxes . . . Under RSA 167:6 (a) a person is ‘eligible for old age assistance who is sixty-five years of age’ and the same age limit applies to ‘medical assistance to the aged.’ RSA 167:6 (g) (supp); Laws 1961, 271:3. Neither poll taxes nor head taxes are assessed against those over seventy years of age. RSA 72:1; Laws 1961, 43:1. Today retirement at sixty-five years of age is common in both private and public employment. RSA 100:6 (supp); RSA 102:13 (supp); RSA 192:5. The tax imposed by RSA, chapter 77 is a tax upon income from sources other than earnings. We cannot say that the legislative power to grant an additional exemption to those who have reached the age of sixty-five years as proposed in Senate Bill 55 is unreasonable or that it is a taxable classification which violates the state Constitution. *Opinion of the Justices*, 95 N. H. 540, 542; *Opinion of the Justices*, 84 N. H. 559, 571-572.”

We conclude that House Bill 35 is not in violation of the State Constitution.

The constitutionality of House Bill 35 under the Constitution of the United States naturally suggests the question whether the bill constitutes a denial of equal protection of the law. Recent cases have applied a stricter standard of equal protection of the law in certain areas. Thus in *Shapiro v. Thompson*, 394 U. S. 618 it was held that denial of welfare assistance to residents who had not met a one-year waiting period requirement was unconstitutional. In *Hall v. Beals*, 396 U. S. 45 there was an indication that residence requirements for voting in

presidential elections were suspect. In *Kramer v. Union School District*, 395 U. S. 621 it was pointed out that special residence requirements for voting in school district elections could be sustained only if they were necessary to promote a compelling state interest. See also, *Cipriano v. City of Houma*, 395 U. S. 701; Comment, Residence Requirements for voting in Presidential Elections, 37 U. Chi. L. Rev. 359 (1970). House Bill 35 does not affect voting rights, does not limit welfare assistance and does not seek to provide a penalty against the right of interstate travel. Consequently we think the cases cited are not controlling in this context. Newhouse, Constitutional Uniformity and Equality in State Taxation 189, 192 (1959); *Rosenblum v. Griffin*, 89 N. H. 314, 321.

Our advisory opinion pertaining to the Constitution of the United States is necessarily limited by the fact that no memorandum has been submitted indicating what questions of constitutionality have been raised and the need of an immediate opinion for the special session about to adjourn.

The bill provides that the exemption must be filed on April 15 on forms not yet prepared by the Tax Commission. This is an obvious impossibility if the act is to be effective in 1970, and presumably a different date should be determined if the bill is to be passed and made effective in the taxable year 1970.

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

April 24, 1970.

The Speaker ordered the Supreme Court decision to be printed in the Journal.

Rep. O'Neil moved that HB 46, to legalize the 1969 town meeting in the town of Hampton be recalled from the Governor.

Adopted.

## RECONSIDERATION

Rep. O'Neil moved that the House reconsider its action whereby it passed HB 46, and that said bill be returned to second reading.

Adopted.

Rep. O'Neil moved that HB 46 be amended as follows:

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Proceedings Legalized. The votes and proceedings of the annual town meeting on March 10, 1970 in the town of Hampton, including but not limited to the vote relative to sale of real estate previously leased, are hereby legalized, ratified and confirmed.

The Clerk read the amendment in full.

Adopted.

Ordered to third reading and passed under suspension of the rules.

## THIRD READING

HB 46, to legalize the town meeting in the town of Hampton on March 10, 1970.

Rep. Wilfrid Boisvert offered the following resolution.

## HOUSE CONCURRENT RESOLUTION 8

*Whereas*, it is contemplated that three controversial and notorious individuals have been invited to speak on state property at the university of New Hampshire; and

*Whereas*, said three individuals have been convicted of crime pertaining to inciting riots; and

*Whereas*, said three individuals are dedicated to the destruction of our society through violence; now therefor be it

*Resolved*, by the House of Representatives and the Senate in General Court convened:

That it is the consensus of the General Court, and the people of this state, that the appearance of said three individuals

at the university of New Hampshire will contribute nothing of value to either the people of this state or the students of the university, and

That the potential danger of violence and the certain disruption of university activities make it appear that the three individuals should be denied the use of facilities at the university of New Hampshire.

The Clerk read the resolution in full.

Reps. Oleson and Shirley spoke against the resolution.

Reps. Wilfrid Boisvert, Maloomian, Twardus, Greenwood, Mackintosh, Drake, A. George Manning and Bowles spoke in favor of the resolution.

(discussion)

Rep. MacKenzie moved the previous question; sufficiently seconded.

Adopted.

Rep. Shirley requested a division.

Rep. Merrill requested that the resolution be read a second time.

The clerk read the resolution a second time.

### PARLIAMENTARY INQUIRY

Reps. Maloomian and Logan rose on a point of parliamentary inquiry.

The vote being manifestly in the affirmative, the resolution was adopted.

### SENATE MESSAGE

Senate adoption of Enrolled Bills Amendment

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

### AMENDMENT

Amend section 1 of the bill by striking out the first three lines and inserting in place thereof the following:

1 Tax Imposed. Amend RSA by inserting after chapter 77-A the following new chapter:

#### Chapter 77-B

Further amend the bill by renumbering RSA 77-A:1 through 28 to read 77-B:1 through 28 respectively.

Amend section 2 of the bill by striking out in line 4 the letters and numeral RSA 77-A and inserting in place thereof RSA 77-B.

Amend section 3 of the bill by striking out the first line and inserting in place thereof the following:

3 Effective Date. RSA 77-B:2 as inserted by section 1 of this act shall

Amendment adopted.

#### SENATE MESSAGE

##### Senate adoption of Enrolled Bills Amendment

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.

#### AMENDMENT

Amend RSA 195-C:3 as inserted by section 9 of the bill by striking out lines twenty-nine and thirty, inclusive and inserting in place thereof the following:

bond or note which is issued to finance the same project. The bonds or notes comprising the guaranteed portion of an authorized borrowing and the bonds or notes comprising the unguaranteed portion of an authorized borrowing may be issued.

Amendment adopted.



## ENROLLED BILLS REPORT

HB 14, relative to the sale of subdivided land.

HB 45, to legalize certain meetings of the Rye Beach Village District.

HB 47, legalizing the annual town meeting of March 10, 1970, in the town of Hudson and certain special and regular town meetings in the town of Litchfield.

HB 53, relative to sick leave for employees of the city of Manchester.

HB 54, legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote relative to bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.

HB 55, relative to tax exemption for Nutfield Heights Inc. a community housing project for elderly persons.

HB 56, relative to the definition of obscenity.

SB 7, ratifying the compact for education, and making an appropriation therefor.

SB 11, providing for special liquor licenses and beverage permits for nonprofit organizations.

SB 21, to clarify the authority of the water supply and pollution control commission.

SB 22, relative to municipal permits for previously registered motor vehicles and relative to issuance of certain certificates of title.

HB 6, providing for consumer protection and making an appropriation therefor.

HB 12, repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities.

HB 15, to define jurisdiction over dredge and fill operations in waters and wetlands located in this state.

HB 16, authorizing the director of purchase and property to purchase supplies for the New Hampshire College and University Council.

HB 26, transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education.

HB 18, relative to the burden of proof relating to comparative negligence.

HB 28, providing for medical facilities at the industrial school and making appropriation therefor.

HB 32, providing for a board of registrars for the city of Nashua.

HB 42, relative to the administration of the insurance laws.

HJR 2, establishing a commission to recommend changes in the councilor districts.

SB 36, authorizing the issuance of motor vehicle registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.

SB 24, reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, providing for additional personnel for data processing, and applying restrictions to the post office renovation and purchase funds.

SB 30, relative to increasing the interest charged for delinquent, redemptive and subsequent tax payments.

SB 29, relative to reconstruction of a town road in Sutton leading to the Kearsarge regional school.

SB 37, relative to fees for medical referees.

CA-CR 2, Establishing a Four Year Term for Governor. Providing that: The Governor Shall be Elected Every Four Years on the Nonpresidential Election Years, and no person shall Serve more than Two Terms consecutively.

Roxie A. Forbes,  
for the Committee

Accepted.

Rep. Newell offered the following resolution:

## RESOLUTION

Amend the resolution adopted 25 March 70 concerning tape recordings of sessions by striking out the second resolve and inserting in place thereof the following two resolves:

*Resolved*, That the five members of the committee on the journal, the speaker and the minority leader, but not less than four sitting jointly, may examine and recommend to the clerk corrections of the daily journals of the last three days of the session for inclusion in the permanent journal, provided that all changes, clerical errors excepted, shall be clearly indicated or bracketed as changes, and further be it

*Resolved*, That the journal of the last day shall be printed and mailed to all members of the house within two days after final adjournment.

The clerk read the resolution in full.

Rep. Newell spoke in favor of the resolution.

## PARLIAMENTARY INQUIRY

Rep. O'Neil rose on a point of parliamentary inquiry.

Rep. O'Neil moved that the resolution be tabled.

Adopted.

## CONFERENCE COMMITTEE CHANGE

The Speaker appointed Rep. Leo Dion in place of Rep. Radway on committee of conference on CA-CR 5.

Reps. Logan, Raiche and Leo Dion offered the following resolution.

## RESOLUTION

*Whereas*, by the action of the rules committees of both houses and the leadership thereof and the cooperation of all the members of the general court at this special session full information to draft proposed bills was supplied for most of the bills a month before the convening of the session, and

*Whereas*, the drafting service was therefore able to have most bills drafted and preprinted so that they were ready for action on the first day of the special session, and

*Whereas*, such actions resulted in the special session being able to consider and act upon a larger number of measures in an expeditious and orderly manner than were ever considered in any previous special session, and

*Whereas*, such preplanning would be of great value and help to any session of the general court including a regular session thereof,

*Now, therefore, be it resolved* by the house of representatives that it recommends to the 1971 session of the general court that similar steps be taken such as requiring that complete information be submitted to the drafting service by the first Wednesday in December prior to the convening of the 1973 session, and

That it is recommended that the leadership of said 1971 session consider and do everything in its power to implement such recommendation so that as much legislation as possible can be predrafted and preprinted and be in the hands of the members on the day said general court convenes.

The clerk read the resolution in full.

Rep. O'Neil explained the resolution.

(discussion)

Adopted.

## SUSPENSION OF THE JOINT RULES

Rep. Hanson moved suspension to permit the introduction of a bill after the deadline, the bill being HB 35.

Rep. Hanson explained the motion.

(discussion)

Reps. Bittenbender and Nixon spoke in favor of the motion.

Joint Rules suspended by the necessary 2/3 vote.

RECESS

## AFTER RECESS

## SENATE MESSAGE

## Senate Concurrence

HB 46, to legalize the 1969 town meeting in the town of Hampton.

HB 58, providing for an exemption from motor vehicles registration fee for certain disabled veterans.

## Senate Concurrence

## Suspension of Joint Rules

To allow action on the following House Bill:

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax.

Rep. Hanson moved that HB 35 with amendment be ordered to third reading.

The clerk read the amendment in full.

## AMENDMENT

Amend RSA 72:40, I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Has resided in this state for at least five years preceding April 1 in the year in which the exemption is claimed:

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Further Limitations. Amend RSA 72 by inserting after section 40 (supp) as inserted by 1969, 496:1 the following new section: 72:40-a Limitation. In addition to other conditions hereunder no exemption shall be allowed under RSA 72:39 where the resident applying therefor has received transfer of the real estate from a person under the age of sixty-five related to him by blood or marriage, within five years.

7 Application for 1970 Tax Year. For the tax year of 1970 the provisions of RSA 72:42 requiring that an appli-

cation be filed on or before April 15 are hereby changed so that an application for an exemption for the tax year 1970 may be filed on or before June 15, 1970.

8 Effective Date. This act shall take effect upon its passage.

(Rep. O'Neil in the Chair)

Rep. Hanson explained the amendment.

Rep. Bittenbender spoke in favor of the amendment.

Rep. Galbraith spoke against the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

### SUSPENSION OF THE RULES

Rep. Hanson moved suspension to permit final passage at the present time.

Adopted.

### THIRD READING and passage by House

HB 35, clarifying the statute providing for exemption to persons over seventy against their real estate tax.

### SENATE DISCHARGE of committee of conference

### Appointment of new committee

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent. Sens. Gilman, Chandler and Leonard.

Rep. Nixon moved House discharge committee of conference on HB 25 and a new committee be appointed.

Adopted.

The Speaker appointed Reps. Nixon, Zachos and Craig.

(Speaker in the Chair)

Rep. Hanson moved adoption of committee of conference report on SB 10.

See Senate Journal of April 30, page 346.

Adopted.

#### Unanimous Consent

Reps. Burleigh and Battenfeld addressed the House by Unanimous Consent.

(discussion)

Rep. Trowbridge moved the adoption of committee of conference report on SB 23.

See Senate Journal of April 30, p. 344.

Adopted.

#### SENATE MESSAGE

Adoption committee of conference report

HB 33, clarifying the statute relative to management-employee relations at the University of New Hampshire.

#### COMMITTEE OF CONFERENCE REPORT

The Committee of Conference to which was referred House Bill 33 having considered the same report the same with the following recommendations: That the Senate recede from its position in adopting its amendment and that the House recede from its position of nonconcurrence with said amendment and

That the House and Senate each adopt the following amendment to the bill:

Amend RSA 98-C:1, III (b) as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

(b) For nonacademic employees of the university of New Hampshire, in all matters except as otherwise provided in paragraph (a) above, three persons, namely, the university vice-president-treasurer (or his designate), a person chosen by the

nonacademic employees, a person mutually agreed upon by the other two.

Shirley M. Clark  
Shirley Croft  
Willard G. Martin, Jr.  
Conferees on the Part of the House

William P. Gove  
Ronald J. Marcotte  
Conferees on the Part of the Senate

Rep. Shirley Clark moved adoption of committee of conference report on HB 33.

Adopted.

### ENROLLED BILLS REPORT

HB 41, imposing a tax on certain incomes and making an appropriation therefor.

SB 14, permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.

Roxie H. Forbes,  
for the Committee

Accepted.

### SENATE MESSAGE

Senate Adoption of committee of conference report

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse.

### COMMITTEE OF CONFERENCE REPORT

The Committee of Conference to which was referred HB 30 making appropriations for the treatment and prevention of alcohol and drug abuse, having considered the same, report the same with the following recommendations:



That the House recede from its position of nonconcurrency,

That the Senate recede from its position in adopting its amendment, and

That the Senate and House each adopt the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation; Division of Public Health. The following sums are appropriated in the budget of the division of public health services of the department of health and welfare in addition to any other sums appropriated for said division for the fiscal year 1971 in order to implement the program of alcohol and drug abuse as established by RSA 172.

	1971	
Permanent Personal Services		
3 senior psychiatric social workers	29,268	
6 psychiatric social workers	50,670	
1 field consultant	7,724	
1 clerk stenographer II	4,485	
	<hr/>	
Total		92,147
Other Personal Services		
medical fees	3,000	
psychiatric fees	6,000	
social research	1,260	
	<hr/>	
Total		10,260
	1971	
Current Expense		
supplies	1,580	
publications and archives	1,310	
telephone	1,570	
postage	1,040	
patient subsistence	10,000	
	<hr/>	
Total		15,500
Travel		
in-state	1,100	
out-of-state	1,200	
	<hr/>	
Total		2,300

## Equipment

10 executive desks and chairs at \$295	2,950	
1 secretary desk and chair	250	
9 lamps	173	
9 filing cabinets	810	
1 typewriter	495	
		<hr/>
Total		4,678
		<hr/>
Grand Total		124,885

2 Appropriation; Department of Education. The following sums are appropriated in the department of education, in addition to any other sums appropriated for said department for the fiscal year 1971 in order to implement the program of drug and alcohol abuse control as established by RSA 172.

	1971	
Personnel Services:		
consultant	13,832	
clerk stenographer II	5,414	
		<hr/>
		19,246
Current Expenses		1,900
Equipment		1,530
Travel:		
in-state	900	
out-of-state	300	
		<hr/>
		1,200
Employee Benefits		1,279
Teacher workshop and conference		2,500
		<hr/>
Grand Total		27,655

3 Appropriation; Division of State Police. The following sums are appropriated in the budget of the division of state police of the department of safety in addition to any other sums appropriated for said division for said fiscal years in order to implement the program of drug and alcohol abuse control as established by RSA 172.

	1970 April 1-June 30	1971
I. Control and Investigation of Drugs		
Personal Services — Class I	15,685.40	68,062.28
Current Expense:		
Class II	1,735.00	4,950.00
Equipment		
Class III		
motor vehicles	5,000.00	10,000.00
mobile radios		3,200.00
misc.	2,000.00	1,000.00
	<hr/> 7,000.00	<hr/> 14,200.00
Other personal services		1,000.00
Retirement, Blue		
Cross, etc.	475.33	5,110.00
Travel:		
In state	2,000.00	21,350.00
Out-of-state		2,500.00
Procuring evidence	400.00	1,500.00
	<hr/> 27,295.73	<hr/> 118,672.28
Total (I)		
II. Drug Identification (Laboratory)		
Equipment		
Class III		
1 gas chromatographic	10,000.00	
1 chemical		
supplies	1,500.00	
	<hr/> 11,500.00	
Personal Services		
1 chemist II		7,839.00
1 lab technician		5,379.40
1 clerk steno II		4,716.00
		<hr/> 17,934.40
Current Expense		3,100.00
Equipment*		9,000.00

\*The department of safety is authorized to receive and utilize federal funds, gifts or grants from any person or association which may be made available for this purpose.

Other Personal Services		1,200.00
Retirement, Blue Cross, etc.		768.51
Travel		
In-state		500.00
Out-of-state		800.00
Total II	11,500.00	33,302.91
Grand Total	38,795.73	151,975.19

4 Appropriation: Amend laws of 1969, Chapter 501:8 by striking out in lines two and three the words "sixty-two thousand five hundred dollars for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971" and inserting in place thereof the words (thirty thousand dollars for the fiscal year ending June 30, 1970 and fifteen thousand dollars for the fiscal year ending June 30, 1971). Further amend said section by striking out in lines four, five and six, the words "seven thousand five hundred dollars is appropriated in the budget of the department of education for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971;" Further amend said section by striking out in lines nine through twelve the words "forty thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971" and inserting in place thereof the words (fifteen thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970). Further amend said section by striking out in line thirteen the word "education" so that said section as amended shall read as follows:

501:8 Appropriation. There is hereby appropriated the sum of thirty thousand dollars for the fiscal year ending June 30, 1970 and the sum of fifteen thousand dollars for the fiscal year ending June 30, 1971. Of these sums fifteen thousand dollars is appropriated in the budget of the division of public health services of the department of health and welfare for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971; fifteen thousand dollars is appropriated

in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970. The commissioners of health and welfare and safety are directed with the approval of governor and council, to budget these sums in order to most effectively achieve the purposes of this act.

5. Effective Date. This act shall take effect upon its passage.

Conferees on the part of the Senate  
George Gilman  
Paul E. Provost  
Howard C. Townsend

Conferees on the part of the House  
Arthur M. Drake  
John B. Goff  
Charles L. McGinness  
C. R. Trowbridge  
Kimon S. Zachos

Rep. Drake moved adoption of committee of conference report on HB 30.

Rep. Drake explained the report at the request of Rep. Ferguson.

Rep. Drake yielded to Rep. Zachos to answer questions.

Adopted.

## COMMITTEE OF CONFERENCE REPORT

The Committee of Conference to whom was referred CA-CR 5 Relating to: Amendment of Proposal relative to Art. 15, Part Second of the Constitution, having considered the same report the same with the following recommendations:

1. That the House recede from its position of nonconcurrency on the Senate amendments to paragraphs II, III, IV and V of said resolution and concur with the Senate on its amendments to said paragraphs:

2. That the House recede from its position of nonconcurrency on Senate amendments to paragraphs I, I-a and VI and the Senate recede from its amendments to said paragraphs and that the Senate and House concur and adopt the following amendments to said resolution:

Amend paragraphs I, I-a and VI by striking out the same and inserting in place thereof the following:

I. Resolved, That in case the proposed constitutional amendment relative to annual sessions is not adopted That Article 15 of Part Second, (supp) as amended in 1960, of the Constitution be amended by striking out said article and inserting in place thereof the following:

[Art.] 15th. [Compensation of the Legislature Established by Commission.] There shall be a legislative compensation commission consisting of seven members, three of whom shall be appointed by the governor with the approval of the council and four (4) of whom shall be appointed by the supreme court, which shall biennially establish the compensation, and the unit amounts of expense allowances (which shall include, but not be limited to, mileage expense) to be paid to the members and presiding officers of the general court seasonably attending its sessions and not departing without license; provided that no legislator shall receive compensation or an expense allowance after the legislature shall have been in session for ninety legislative days during any term for which he is elected; except that when a special session shall be called by the governor or by a two-thirds vote of the then qualified members of each branch of the general court, such officers and members shall receive expense allowances for an additional period not exceeding fifteen (15) legislative days. Each member of the commission shall be appointed for a term of seven years or until his successor is appointed and qualified, provided that for the initial appointment of the commission the supreme court shall appoint one member for a term of one year, one for a term of three years, one for a term of five years, and one for a term of seven years; and the governor shall appoint one member for a term of two years, one for a term of four years, and one for a term of six years. Vacancies shall be filled by the original appointing authority for the unexpired term of the member whose death, resignation, or disqualification causes the same. The members of the commission shall be residents of this state and shall be appointed without regard to political affiliation. No one shall be appointed to the commission who is a member of the legislature or who is an official or employee of the state of New Hampshire or any department, agency or political subdivision thereof or of any agency or institution to which any state funds are appropriated. On or before April first of each year in which

a biennial election is to be held, the commission shall establish, for the coming biennium, the compensation for services to be rendered by members of the legislature and the unit amounts of their expense allowances incident to their legislative activities, except that said commission shall first set the compensation and unit amounts of expense allowances for the 1971 session of the legislature on or before the first day on which that legislature convenes. The compensation and unit amounts of expense allowances so established shall be filed with the secretary of state immediately after being fixed. The secretary of state shall lay the same before each house of the general court at the convening of each biennial session when, in order to become effective, it shall be recorded in the journal of each house.

Nothing herein shall prevent the payment of additional expense allowances to members attending committee meetings or on other legislative business, as the general court shall provide, on nonlegislative days.

I-a. Resolved, That in case the proposed constitutional amendment relative to annual sessions is adopted that Article 15 of Part Second (supp) as amended in 1960 of the Constitution of New Hampshire be amended by striking out said article and inserting in place thereof the following:

[Art.] 15th. [Compensation of the Legislature Established by Commission.] There shall be a legislative compensation commission consisting of seven members, three (3) of whom shall be appointed by the governor with the approval of the council and four (4) of whom shall be appointed by the supreme court, which shall biennially establish the compensation, and the unit amounts of expense allowances (which shall include, but not be limited to, mileage expense) to be paid to the members and presiding officers of the general court seasonably attending its sessions and not departing without license, provided that no legislator shall receive compensation or an expense allowance after the legislature shall have been in session for ninety legislative days during any term for which he is elected; except that when a special session shall be called by the governor or by a two-thirds vote of the then qualified members of each branch of the general court, such officers and members shall receive expense allowances for an additional period not exceeding fifteen (15) legislative days. Each member of the commission shall

be appointed for a term of seven years or until his successor is appointed and qualified, provided that for the initial appointment of the commission the supreme court shall appoint one member for a term of one year, one for a term of three years, one for a term of five years, and one for a term of seven years; and the governor shall appoint one member for a term of two years, one for a term of four years, and one for a term of six years. Vacancies shall be filled by the original appointing authority for the unexpired term of the member whose death, resignation, or disqualification causes the same. The members of the commission shall be residents of this state and shall be appointed without regard to political affiliation. No one shall be appointed to the commission who is a member of the legislature or who is an official or employee of the state of New Hampshire or any department, agency or political subdivision thereof or of any agency or institution to which any state funds are appropriated. On or before April first of each year in which a biennial election is to be held, the commission shall establish, for the coming biennium, the rate of compensation for services to be rendered by members and presiding officers of the legislature and the unit amounts of their expense allowances incident to their legislative activities, except that said commission shall first set the compensation and unit amounts of expense allowances for the 1971 session of the legislature on or before the first day on which that legislature convenes. The compensation and unit amounts of expense allowances so established shall be filed with the secretary of state immediately after being fixed. The secretary of state shall lay the same before each house of the general court at the convening of each biennial session when, in order to become effective, it shall be recorded in the journal of each house.

Nothing herein shall prevent the payment of additional expense allowances to members attending committee meetings or on other legislative business, as the general court shall provide, on nonlegislative days.

VI. Resolved, That if the proposed amendment is approved by the requisite number of votes the article establishing a legislative compensation commission shall take effect when the governor shall proclaim the amendment adopted with the proviso that provisions of [Art.] 15 of Part Second, (supp) as amended in 1960, of the Constitution of New Hampshire re-



lating to compensation and mileage payments for members of the general court shall continue in full force and effect until the report of the legislative compensation commission shall have been laid before the general court and recorded in the journals of the senate and house of representatives on the day of convening for the 1971 biennial session.

Harlan D. Logan

David L. Nixon

Leo L. Dion

Conferees on the Part of the House

James Koromilas

Alf E. Jacobson

Richard W. Leonard

Conferees on the Part of the Senate

Rep. Logan moved adoption of Committee of Conference Report on CA-CR 5.

Rep. Logan explained the report.

Reps. Newell and Zachos spoke in favor of CA-CR 5.

(discussion)

A division was required under the Rules.

288 members having voted in the affirmative and 4 in the negative, the motion was adopted by the necessary 60% vote.

Reps. O'Neil and Cares offered the following resolution.

*Whereas*, Harlan Logan, the member from Plainfield has served with distinction as Majority Floor Leader during the 1969 Session and the 1970 Special Session of the General Court, and

*Whereas*, in his daily conduct he has endeared himself to all the members of the House of Representatives by his sense of fairness and unfailing courtesy and abounding good humor, and

*Whereas*, he has brought to his assignment a strong intelligence, a fine wit and inspirational oratory which he has freely given to promote the best interests of his adopted state, therefore be it

*Resolved*, That we, the members of the House of Representatives in General Court convened, do hereby express our

appreciation to the member from Plainfield for his faithful performance of his duties as Majority Floor Leader, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to Mr. Logan.

Unanimously adopted.

Reps. O'Neil and Cares offered the following resolution.

*Whereas*, we admire the spirit and attitude which Robert E. Raiche has maintained as Minority Floor Leader in the 1969 Session and 1970 Special Session of the General Court; and

*Whereas*, we recognize that he has conducted himself with the highest integrity; and

*Whereas*, he has exhibited qualities of modesty and sincerity in his quiet spoken manner; he has never failed to courageously face whatever problem presented itself; and

*Whereas*, he has displayed attributes of courtesy and fairness and has always kept the ability to maintain self control whether the situation demanded a calm explanation or a sharp criticism; and

*Whereas*, his acts of friendship and service have extended far beyond the limits of his obligation to political party; now therefore be it

*Resolved*, that we the members of the House of Representatives, express our appreciation, and direct that a copy of these resolutions be spread upon our records and a copy given to Mr. Raiche.

Unanimously adopted.

#### UNANIMOUS CONSENT

Rep. O'Neil addressed the House by unanimous consent.

Rep. Raiche addressed the House by unanimous consent.

Rep. Logan addressed the House by unanimous consent.

Reps. Cournoyer and Austin offered the following resolutions.

## RESOLUTIONS

*Whereas*, we have learned with regret of the death of Maurice Tuttle, former Representative from Hancock, and

*Whereas*, Mr. Tuttle served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

\* \* \*

Adopted.

## RECESS

## AFTER RECESS

## COMMITTEE OF CONFERENCE REPORT

SB 25, relative to the department of centralized data processing.

See Senate Journal of April 30, pages 362-364.

Rep. Shirley Clark moved adoption of committee of conference report.

Rep. Bowles explained the report.

(discussion)

Rep. Soucy wished to be recorded as against the report "because the solution does not include participation by the council in the resolution of disputes between agencies."

Reps. Craig and George Roberts spoke in favor of the report.

Report adopted.

## COMMITTEE OF CONFERENCE REPORT

SB 31, relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

See Senate Journal of April 30, pages 365-367.

Rep. Raymond moved adoption.

Rep. Raymond explained the report.

Rep. Trowbridge spoke in favor of the report.

Rep. deBlois spoke against the report.

Report adopted.

Rep. Shirley Clark moved that the committee of conference on SB 8, increasing the salary of the Strafford county attorney, be discharged and a new committee be appointed.

Adopted.

The Speaker appointed Reps. Theriault, Chasse and Pray.

### SENATE MESSAGE

#### Adoption of Enrolled Bills Amendment

SB 19, transferring the office of Planning and Research to the office of the governor.

### AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Office Transferred. Amend RSA 4 by inserting after section 12-c the following new sections:

4:12-d Office of State Planning. The office of planning and research

Amend RSA 4:12-c as inserted by section 1 by re-numbering it to read 4:12-e.

Amendment adopted.

### SENATE MESSAGE

#### Senate adoption of Committee of Conference Report

CA CR 5, Proposing Constitutional Amendments relating to: Amendment of proposal relative to Art 15 Part Second of the Constitution.

SB 23, increasing the appropriation for the southwestern state park; providing appropriations for the flume disposal system, purchase of land adjacent to the Robert Frost Homestead, and for the Mount Washington commission; extending

the time for the expenditure of funds for certain park projects; and lapsing the balance remaining in the Pawtuckaway reimbursement fund.

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

### COMMITTEE OF CONFERENCE REPORT

SB 27, relative to the air pollution commission.

Rep. Urie moved adoption of the report.

Rep. Greene spoke against the report.

(discussion)

Rep. Goedecke spoke in favor of the report.

Motion to concur lost.

Rep. Oleson moved that the House nonconcur in SB 27 and that a new committee of conference be set up.

Adopted.

The Speaker appointed Reps. Urie, Kopperl and Oleson.

### ENROLLED BILLS REPORT

HB 22, relative to salaries of Carroll county attorney, Carroll county treasurer, salaries of certain county officials of Belknap county and authorizing counties to establish highway safety programs.

HB 30, making appropriations for the treatment and prevention of alcohol and drug abuse.

HB 33, clarifying the statute relative to management-employee relations at the university of New Hampshire.

HB 46, to legalize the 1969 town meeting in the town of Hampton.

HB 58, providing for an exemption from motor vehicle registration fee for certain disabled veterans.

SB 10, relative to reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.

Roxie A. Forbes,  
for the Committee

Accepted.

## SENATE AMENDMENT TO HOUSE BILL

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

The Clerk read the amendment in full.

Rep. Reddy moved concurrence and explained the amendment.

(discussion)

(Rep. O'Neil in the Chair)

Senate amendment adopted.

## SENATE MESSAGE

## Senate Concurrence

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax.

## UNANIMOUS CONSENT

Reps. Oleson, deBlois and George Roberts addressed the House under Unanimous consent.

## RECESS

## AFTER RECESS

(Speaker in the Chair)

## SENATE MESSAGES

Senate Refusal to Adopt  
Committee of Conference Report  
Asks new Committee of Conference

SB 25, relative to the department of centralized data processing.

The President appointed Sen. Jacobson and Sen. Claveau

Rep. Shirley Clark moved the Committee of Conference be discharged and a new Committee of Conference be set up.

Adopted.

The Speaker appointed Reps. Shirley Clark, Bowles and Craig.

### COMMITTEE OF CONFERENCE REPORT

SB 3, relative to the governor's staff, employment of a counsel and making an appropriation for the office of the counsel.

See Senate Journal of April 30, pages 369-70.

Rep. Andrews moved the House adopt committee of conference report.

Adopted.

Senate accedes to request  
for new Committee of Conference

SB 8, increasing the salary of the Strafford county attorney and empowering the Strafford county convention to set the salaries of certain county officers.

The President has appointed Senators Koromilas and Marcotte.

Senate Adoption  
Committee of Conference Report

SB 31, relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

Senate accedes to request  
for new Committee of Conference

HB 25, to remove certain restrictions on money collected by the Board of Probation and to authorize a collection service charge of five percent.

The President has appointed Senators Gilman, Armstrong and Leonard.

Senate Refusal to Concur in  
House Request for New Conferees and to  
Discharge Senate Conferees and to  
Adopt Senate Amendment

SB 27, relative to the air pollution commission.

Rep. Kopperl moved that the House refuse to accede to discharge committee of conference, and spoke in favor of the motion.

Motion adopted.

#### COMMITTEE OF CONFERENCE REPORT

SB 25, relative to the department of centralized data processing.

#### SUSPENSION OF THE RULES

Rep. Craig moved suspension to dispense with printing of committee of conference report on HB 2 and have the clerk read the report in full, to be explained by the conferees.

Adopted by the necessary 2/3 vote.

The clerk read the report in full.

Rep. Craig explained the report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of non-academic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees; providing for a study of cost-of-living increase of state employees by the salary study committee.

The Committee of Conference to which was referred House Bill 2, An Act increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor, having considered the same report the same with the following recommendations:

That the House recede in its position of nonconcurrence of the Senate amendments and that the Senate recede in its position in adopting its amendments and that the House and Senate each adopt the following amendment to the bill.

Amend the title of the bill by striking out the same and inserting in place thereof the following:



## An Act

increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of nonacademic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees; providing for a study of cost-of-living increases of state employees by the salary study committee.

Amend section 1 of the bill by striking out in line 5 the words to April 1, 1970 as follows: and inserting in place thereof the following: to April 3, 1970 as follows:

Amend section 2 of the bill by striking out the first two lines and inserting in place thereof the following:

2 Appropriations. Amend Laws of 1969, 500:3 by striking out said section and inserting in place thereof the following: 500:3 Appropriations.

Amend section 3 of the bill by striking out the first two lines and inserting in place thereof the following:

3 Appropriations for Temporary and Seasonal. Amend the Laws of 1969, 500:4 by striking out said section and inserting in place thereof the

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 Change in Date. Amend RSA 99:3 (supp) as amended by 1957, 274:2; 1961, 221:2; 1965, 73:2; 1967, 353:4 and 1969, 500:5 by striking out said section and inserting in place thereof the following: 99:3 Increase in Salary. Classified employees of the state as of April 3, 1970 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scale set forth in RSA 99:1. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

Amend the bill by striking out section 7 and inserting in place thereof the following new sections:

7 University of New Hampshire. There is hereby appropriated for the fiscal year ending June 30, 1971 the sum of one hundred and forty-four thousand four hundred and thirty-nine

dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the salaries of the nonacademic employees on the following campuses and in the following amounts: University of New Hampshire \$113,754.00, Keene state college \$14,749.00 and Plymouth state college \$15,936.00. This appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

8 Fiscal Committee; Unclassified Positions. Amend RSA 94:3-b (supp) as inserted by 1969, 500:16 by inserting in line three after the word "authority" the words (approved by the fiscal committee of the general court) so that said section as amended shall read as follows: 94:3-b Salary Adjustment for Recruitment or Retention. Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority approved by the fiscal committee of the general court, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

9 Fiscal Committee; Classified Positions. Amend RSA 98 by inserting after section 17-b the following section: 98:17-c Reclassification of Positions or Increases Beyond The Grade 34. Any request for reclassification of position to a different class series as provided in RSA 98:17-a or request to increase the salaries of a classified position beyond grade 34 as provided in RSA 99:8 shall require the approval of the fiscal committee of the general court before it is submitted to the governor and council for its approval.

10 Study of Cost-of-Living Adjustments. The advisory committee established to study the salaries of state officials and employees by 1961, 221:16 is hereby directed to study the problem of automatic salary adjustments for state officials and employees to provide them with cost-of-living adjustments. It shall include in its report due on or before December 1, 1970 its findings and recommendations on this matter.

11 Effective Date. Sections 1, 2, 3, 4, 5 shall take effect retroactive to April 3, 1970; sections 6, 7, 8, 9 and 10 shall take effect upon passage.

John P. H. Chandler, Jr.  
Alf E. Jacobson  
Ronald J. Marcotte  
Conferees on the Part of the Senate  
W. Douglas Scamman, Jr.  
Maurice M. MacDonald  
Shirley Croft  
John B. Goff  
C. R. Trowbridge  
Conferees on the Part of the House

Rep. MacDonald moved the House adopt Committee of Conference report.

Rep. MacDonald answered question at the request of Rep. Bittenbender.

(discussion)

Rep. Trowbridge spoke in favor of the report.

Rep. Newell spoke in favor of that part regarding pay raises but against section 8 and 9.

Adopted.

#### ENROLLED BILLS REPORT

SB 23, increasing the appropriation for the southwestern state park; providing appropriations for the flume disposal system, purchase of land adjacent to the Robert Frost Homestead, and for the Mount Washington commission; extending the time for the expenditure of funds for certain park projects; and lapsing the balance remaining in the Pawtuckaway reimbursement fund.

CA-CR 5, CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENTS RELATING TO: Amendment of Proposal relative to Art. 15 Part Second of the Constitution.

SB 19, transferring the office of planning and research to the office of the governor.

HB 35, clarifying the statute providing for exemptions to persons over seventy against their real estate tax.

Roxie A. Forbes  
For the Committee

Accepted.

SENATE MESSAGE  
Senate Adoption of  
Committee of Conference Report on

SB 3, relative to the governor's office staff, employment of a counsel.

COMMITTEE OF CONFERENCE REPORT

Committee of Conference Report on HB 7

An Act

making the possession of a pound of marijuana a felony and relative to the sessions, clerk, entry fees, and reports of the supreme court.

The Committee of Conference to which was referred House Bill 7, having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment and that the Senate recede in its position in adopting its amendment, and

That the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

to regulate the sale of hypodermic syringes, needles or like instruments, making the possession of a pound of marijuana a felony, and relative to the sessions, clerk, entry fees, and reports of the supreme court.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Sale of Hypodermic and Like Instruments. Amend RSA 318:52 by striking out the same and inserting in place thereof the following:

318:52 Hypodermics. Hypodermic syringes, needles or any instrument adapted for the administration of controlled drugs by injection shall not be sold except in registered drug stores. The pharmacist shall keep a record of:

I. Name and address of the purchaser,

II. Date of purchase,

III. A description of the instrument and the number of instruments purchased.

IV. The information contained in paragraphs I, II and III shall be at all times open to inspection by the division of public health in the department of health and welfare.

2 Destruction Required. Amend RSA by inserting after 318:52-a the following new section:

318:52-b Destruction of Used Instruments. It shall be unlawful for any possessor of a hypodermic syringe, needle, or any instrument adapted for the administration of controlled drugs to dispose of or discard any such instrument without first making the instrument inoperable for further use.

3 Penalties. Amend RSA 318:B-26 (supp) as inserted by 1969, 421:1 by inserting after paragraph I (b) the following new paragraph: (c) possesses or has under his control, one pound or more of any cannabis-type drug, shall for a first offense be imprisoned not more than five years, or fined not more than two thousand dollars, or both, and for each subsequent offense be imprisoned for not more than ten years, or fined not more than five thousand dollars, or both.

4 Amend RSA 490:6 by striking out said section and inserting in place thereof the following: 490:6 Sessions. There shall be one general term of the supreme court in each year, to be held in Concord, and the justices, unless they shall order otherwise, shall be in attendance on the first Tuesday of the months of January, February, March, April, May, June, September, October, November, and December, for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

5 Amend RSA 490:19 by striking out said section and inserting in place thereof the following: 490:19 Clerk. The court shall appoint a clerk, who shall be removable at pleasure. He shall perform all the duties herein specifically required of him and such other duties as usually appertain to that office. He shall give bond to the state in such sum as the court shall direct, conditioned for the faithful performance of his duties. His sal-

ary, as prescribed by statute, shall be in full compensation for the performance of all duties as clerk.

6 Amend RSA 490:24 by striking out the same and inserting in place thereof the following: 490:24 Entry Fees. For the benefit of the general fund of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court.

7 Amend RSA 505:12 by striking out the same and inserting in place thereof the following: 505:12 Salary. The annual salary of the reporter, as prescribed by statute, shall be in full compensation for the performance of all duties as reporter.

8 Amend RSA 505 by inserting after section 12 the following new section: 505:13 Fees. For the benefit of the general fund of the state, there shall be paid to the reporter for any service rendered by the reporter, such fees as shall from time to time be established by the court.

9 Effective Date. This act shall take effect sixty days after its passage.

Martha McD. Frizzell

Louis D. Record, Jr.

Margaret E. Normandin

Conferees on the Part of the House

James Koromilas

• Elmer T. Bourque

Conferees on the Part of the Senate

## SUSPENSION OF THE RULES

Rep. Frizzell moved suspension to dispense with printing of the committee of conference report on HB 7 and have the clerk read the report in full, to be explained by the conferees.

Adopted by the necessary 2/3 vote.

The clerk read the report in full.

Rep. Frizzell explained changes in the amendment.

(discussion)

Adopted.

Senate Adoption of  
Committee of Conference Report on

HB 7, making the possession of a pound of marijuana a felony and relative to the sessions, clerk, entry fees, and reports of the supreme court.

Reconsiderations

Rep. Newell, having voted with the majority, moved that the House reconsider its action whereby it adopted the committee of conference report on HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor, and subsequently withdrew his motion.

Rep. MacDonald, having voted with the majority, moved that the House reconsider its action whereby it adopted the committee of conference report on HB 2 and spoke against the motion.

Motion lost.

UNANIMOUS CONSENT

Reps. MacDonald and Angus addressed the House by unanimous consent.

Committee of Conference Replacement

Rep. Martin replaced Rep. Bouchard on Committee of Conference on SB 6, relative to the real estate commission and making an appropriation therefor.

Rep. Noyes offered the following resolution.

RESOLUTION

Be it resolved:

That this body extend its congratulations and best wishes to the following northernmost towns of the state of New Hampshire as they celebrate their two hundredth anniversary the last week of August next. The town of Colebrook, birthplace of the late Governor Chester B. Jordan. The town of Stewartstown, birthplace of the late Hon. U. S. Senator Irving W. Drew and

the town of Columbia, birthplace of the late Hon. Rep. Lovell C. Oakes.

Adopted.

## RECESS

### COMMITTEE OF CONFERENCE REPORT

SB 6, relative to the real estate commission and making an appropriation therefor.

See Senate Journal of April 30, page 378.

### SUSPENSION OF THE RULES

Rep. Martin moved suspension to dispense with the printing of the report on SB 6.

Adopted by the necessary 2/3 vote.

The clerk read the report in full.

Rep. Martin moved that the House adopt the committee of conference report.

Rep. Martin explained the report.

Reps. deBlois and Shirley Clark spoke in favor of the report.

(discussion)

Adopted.

Rep. Mackintosh wished to be recorded as voting no.

### COMMITTEE OF CONFERENCE REPORT

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

The Committee of Conference to whom was referred House Bill 39, an act providing for full disclosure in land sales and making an appropriation therefore, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrency in the Senate amendments and adopt the Senate amendments and that the House and Senate each adopt the following further amendment to the bill:



Amend the title of RSA 356-A as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

Land Sales Full Disclosure Act

Amend RSA 356-A:1, VIII as inserted by section 1 of the bill by striking out in line two the word "fraud" and inserting in place thereof the word (protection) so that said paragraph as amended shall read as follows:

VIII: "Agency" means the office of attorney general, division of consumer protection;

Amend RSA 356-A:2 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

356-A:2 Administration. There is hereby added to the office of attorney general, division of consumer protection, such assistant attorneys general, investigators, clerical, stenographic and other staff as the attorney general may appoint within the appropriation made therefor. Said staff shall enforce and administer the provisions of this chapter, subject to the supervision of the attorney general, and perform such other duties as the attorney general may from time to time assign.

Amend the introductory paragraph of RSA 356-A:3, II as inserted by section 1 of the bill by inserting in line two after the word "Land" the word (Sales) so that said introductory paragraph as amended shall read as follows:

II. Unless the method of disposition is adopted for the purpose of evasion of this chapter or the provisions of the Federal Interstate Land Sales Full Disclosure Act, the provisions of this chapter do not apply:

Amend RSA 356-A:3, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. Any subdivision which has been registered under the Federal Interstate Land Sales Full Disclosure Act shall be exempt from all of the provisions of this chapter, except RSA 356-A:5, I (a), (f), (g) and (h); RSA 356-A:9; RSA 356-A:10, IV; RSA 356-A:11; RSA 356-A:15; RSA 356-A:16; RSA 356-A:17 and RSA 356-A:20, upon filing with the agency a copy of

an effective statement of record filed with the secretary of housing and urban development together with a filing fee of one hundred dollars, and recording a notice of registration with the register of deeds of each county in which said land is situated.

Amend RSA 356-A:8, I as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

I. Upon receipt of the application for registration in proper form, the agency shall issue a notice of filing to the applicant. As soon as possible and within sixty days from the date of the notice of filing, the agency shall enter an order registering the subdivided lands or rejecting the registration. If no order of rejection is entered within sixty days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay. Notice of all registrations shall be recorded in the register of deeds of each county in which said land is situated within ten days of their receipt by the agency.

Amend RSA 356-A:8, IV as inserted by section 1 of the bill by striking out in line two the word "division" and inserting in place thereof the word (agency) so that said paragraph as amended shall read as follows:

IV. The fact that a statement of record with respect to a subdivision has been filed or is in effect shall not be deemed a finding by the agency that the statement of record is true and accurate on its face, or be held to mean the division has in any way passed upon the merits of, or given approval to, such subdivision. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to this paragraph.

Amend RSA 356-A:11, II as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

II. For the purpose of any hearing under this chapter the agency or any officer designated by rule may administer oaths or affirmations. Upon its own motion or upon request of any party the agency or any officer designated by rule shall subpoena witnesses, issue subpoena duces tecum, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the

existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

Amend RSA 356-A:12, I as inserted by section I of the bill by striking out the same and inserting in place thereof the following:

I. If the agency determines after notice and hearing that a person has:

(a) violated any provision of this chapter;

(b) directly or through an agent or employee knowingly engaged in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in subdivided lands;

(c) made any substantial change in the plan of disposition and development of the subdivided lands subsequent to the order of registration without obtaining prior written approval from the agency;

(d) disposed of any subdivided lands which have not been registered with the agency; or

(e) violated any lawful order or rule of the agency; It may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgement of the agency will carry out the purposes of this chapter.

Amend RSA 356-A:14 as inserted by section I of the bill by striking out the same and inserting in place thereof the following:

356-A:14 Judicial Review.

I. Any person aggrieved by a decision or action of the agency may, by petition, appeal from said decision or action to the superior court for trial de novo. The superior court may affirm, reverse, or modify the decision or action of the agency as justice may require.

II. The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the superior court may order, a stay upon appropriate terms.

III. Within thirty days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the superior court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

IV. If, before the date set for a court hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the superior court.

Amend RSA 356-A:16, III as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

III. Every person who materially participates in any disposition of subdivided lands in the manner specified in paragraph I, if such person directly or indirectly controls a subdivider, is a general partner, officer, or director of a subdivider, and every employee or agent of the subdivider who materially aids in the disposition, is also liable jointly and severally with and to the same extent as the subdivider, if such person knew or in the exercise of reasonable care should have known of the existence of the facts by reason of which the liability is alleged to exist. There is a right to contribution as in the cases of contract among persons so liable.

Amend RSA 356-A:16, IV as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

IV. Every person whose occupation gives authority to a statement which with his consent has been used in an application for registration or public offering statement, if he is not otherwise associated with the subdivision and development plan in a material way, is liable only for false statements knowingly made.

Amend RSA 356-A:16, IX as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

IX. Any broker or real estate salesman violating any provision of this chapter may, in addition to any other penalty imposed by this chapter, have his real estate broker's or salesman's license suspended or revoked by the real estate commission pursuant to RSA 331-A, for such time as in the circumstances it considers justified.

Amend RSA 356-A:19, I (a) as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

(a) forthwith sends a copy of the process and of the pleading by certified or registered mail to the defendant or respondent at his last known address, and

Amend RSA 356-A:21 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

356-A:21 Short Title. This chapter may be cited as the Land Sales Full Disclosure Act.

Further amend RSA 356-A as inserted by section 1 of the bill by striking out RSA 356-A:22 and by renumbering 356-A:23 to read 356-A:22.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 Additional Assistant Attorney General. Amend RSA 7:16 (supp) as amended by 1957, 315:1, 1963, 209:1; 1967, 413:1, and the Laws of 1970, by striking out in line two the word "nine" and inserting in place thereof the word (ten) so that said section as amended shall read as follows: 7:16 Assistant Attorneys General. The attorney general, subject to the approval of the governor and council, may appoint ten assistant attorneys general, each of whom shall hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney general may be removed only as provided by RSA 4:1.

3 Compensation. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 by striking out where it appears in proper al-

phabetical order the line reading "Assistant attorneys general (9) 15,226 17,129" and inserting in place thereof the following: (Assistant attorneys general (10) 15,226 17,129) .

4 Effective Date. RSA 356-A:4 as inserted by section 1 shall take effect October 1, 1970 and the remainder of this act shall take effect upon its passage.

Kimon S. Zachos  
David L. Nixon  
Margaret E. Normandin  
Conferees on the Part of the House  
  
Russell A. Mason  
Elmer T. Bourque  
Conferees on the Part of the Senate

### SUSPENSION OF THE RULES

Rep. Zachos moved suspension to dispense with the printing and reading of the report on HB 39.

Adopted by the necessary 2/3 vote.

Rep. Zachos explained the report.

Rep. Zachos moved that the House adopt the report.

Adopted.

### COMMITTEE OF CONFERENCE REPORT

SB 8, increasing the salary of the Strafford county attorney.

Rep. Pray moved concurrence and adoption of report.

Reps. Shirley Clark, Leighton, and Maloomian spoke against the motion.

Motion lost.

Rep. Shirley Clark moved that the House nonconcur in the report.

Adopted.

## SENATE MESSAGE

Senate Adoption

Committee of Conference Report on

HB 39, providing for full disclosure in land sales and making an appropriation therefor.

SB 25, relative to the department of centralized data processing.

## COMMITTEE OF CONFERENCE REPORT

The Committee of Conference to which was referred House Bill 25, An Act to remove certain restrictions on money collected by the board of probation, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency in the Senate amendment, that the Senate recede from the adoption of its amendment, and that the House and Senate each adopt the following amendment:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## An Act

providing for a ten percent charge on collections made by the probation department on arrearage payments.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeal. The notes to the appropriations for the board of probation in Laws of 1969, 367:4 and Laws of 1969, 368:4 relative to 5% of monthly collections being transferred to the general fund are hereby repealed.

2 Collection of Service Charge. Amend RSA 504 by inserting after section 17 the following new section: 504:18 Service Charge for Collections. To all of the collections of arrearages made by the board of probation pursuant to a capias writ shall be added a service charge of ten percent. The monies collected pursuant to such service charge shall be forwarded by the tenth of the following month for deposit as general fund unrestricted revenue.



3 Effective Date. This act shall take effect upon its passage.

Richard W. Leonard  
Charles F. Armstrong  
Robert English  
Conferees on the Part of the Senate

William H. Craig  
Kimon S. Zachos  
David L. Nixon  
Conferees on the Part of the House

### SUSPENSION OF THE RULES

Rep. Craig moved suspension to dispense with printing of report on HB 25.

Adopted by the necessary 2/3 vote.

The Clerk read the report in full.

Rep. Craig explained the report.

Rep. Craig moved adoption of the report.

Adopted.

### COMMITTEE OF CONFERENCE REPORT

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971.

The Committee of Conference to which was referred HB 51, an act making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence in the Senate amendments and the Senate recede from its position in adopting its amendments, and that the Senate and House each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:



## An Act

making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations. The sums hereinafter detailed in sections 2 and 3 of this act are hereby appropriated to be paid out of the treasury of the state for the purpose specified for the branches and departments named, by section 2 of the act for the fiscal year ending June 30, 1970 and by section 3 of the act for the fiscal year ending June 30, 1971. Said appropriations are in addition to any other appropriations made for said fiscal years for any of said branches or departments.

2 Appropriation for Fiscal Year Ending June 30, 1970.

Department of resources and  
economic development

Office of the commissioner

New England river basins commission	\$6,300
Office of coordinator of federal funds	
Equipment	2,000

Board of accountancy:

Current expenses	\$750
------------------	-------

Travel:

In-state	50
----------	----

Total	<hr/> 800
-------	-----------

Total appropriation for fiscal year ending June 30, 1970	<hr/> \$9,100 <hr/>
---	---------------------

3 Appropriation for Fiscal Year Ending June 30, 1971.

Department of resources and welfare

Division of public health services  
Maternal child health and crippled  
children's services

Other expenditures:

Other expenditures:

Rehabilitation \$ 50,000

Radiation surveillance:

Personal services:

Permanent \$ 6,529

Current expenses 321

Travel:

In-state 1,000

Equipment 11,350

Total \$ 19,200

Total for division of public health services \$69,200

Division of Welfare

Old age assistance:

State's share \$279,570

Towns and counties \$441,799

Less estimated revenue 441,799

Net appropriation 0

Federal \$1,045,824

Less estimated revenue 1,045,824

Net appropriation 0

Old age assistance to aliens:

Towns and counties\* \$ 81,733

Less estimated revenue 30,396

Net appropriation 51,337

Federal \$ 118,495

Less estimated federal  
funds 118,495

Net appropriation 0

\*For the fiscal year ending June 30, 1971, the share which  
a county or town must reimburse the state for old age assistance

to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Aid to families with dependent children:

State's share		\$617,989
Federal	\$895,948	
Less estimated revenue	895,948	
	<hr/>	
Net appropriation		0

Aid to needy blind:

State's share		39,299
Federal	\$ 56,976	
Less estimated revenue	56,976	
	<hr/>	
Net appropriation		0

Aid to permanently and totally disabled:

State's share		16,574
Towns and counties*	\$ 99,671	
Less estimated revenue	99,671	
	<hr/>	
Net appropriation		0
Federal	\$168,529	
Less estimated revenue	168,529	
	<hr/>	
Net appropriation		0

\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Net appropriation for division of welfare	\$1,004,769
--	-------------

## Division of mental health

## Office of director:

## Office of mental retardation:

## Other expenditures:

Grants for community development centers	50,000
--	--------

## Office of community mental health services:

## Other expenditures:

Grants to community mental health services	\$200,000
--	-----------

Total for office of director	\$250,000
------------------------------	-----------

## New Hampshire hospital:

## Administration:

## Other personal services:

Permanent	13,187
-----------	--------

## Professional care and treatment:

## Personal services:

Permanent	\$166,588
-----------	-----------

Other	27,460
-------	--------

Current expenses	5,000
------------------	-------

## Drugs:

Out patients†	7,909††
---------------	---------

In patients	12,500††
-------------	----------

Equipment	42,100
-----------	--------

Total	261,557
-------	---------

†Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

††These amounts shall not be transferred or expended for any other purpose.

## Custodial care:

## Personal services:

Permanent	\$ 12,045
-----------	-----------

Current expenses	6,110
------------------	-------

Equipment	28,300
-----------	--------

Total	46,455
-------	--------

## Operation of plant:

## Personal services:

Permanent	\$ 4,485
Other	5,000
Equipment	7,700

Total	17,185
-------	--------

## Maintenance of plant:

## Personal services:

Permanent	10,618
Current expenses	5,000

Total	15,618
-------	--------

## Children's services:

## Personal services:

Other	\$ 5,000
Current expenses	5,000
Equipment	12,000

Total	22,000
-------	--------

Total for New Hampshire hospital	\$376,002
----------------------------------	-----------

Total for division of mental health	626,002
-------------------------------------	---------

Total for department of health and welfare	\$1,699,971
--	-------------

## Department of education

Education of handicapped children	\$110,000
Education of deaf*	22,000
Intellectually retarded children	58,000
Emotionally disturbed children	60,000

\*These funds shall be for payments to school for board, room and tuition and shall not be expended for any other purpose, and no transfer shall be made therefrom.

## Vocational education acts:

Reimbursements to local school districts as permitted by vocational education acts**	\$150,000
--	-----------

\*\*Other provisions of law notwithstanding, this amount shall only be expended for reimbursement to local school districts.

Total for board of education	400,000
Department of resources and economic development:	
Office of the commissioner:	
New England river basins commission	6,300
Water supply and pollution control commission:	
Office of commission:	
Personal services:	
Permanent	\$154,521
Current expenses	40,007
Travel:	
In-state	150,000
Total for water supply and pollution control commission	209,528
Administration and control:	
Division of budget and control:	
Other expenditures:	
New England board of higher education:	
Grants	50,000
Real estate commission:	
Other personal services:	
Permanent	4,277
Total appropriation for fiscal year ending June 30, 1971	\$2,370,076

4 Elimination of Welfare Footnote. Amend Laws of 1969, 367:4 under the appropriation for the department of health and welfare, division of welfare, aid to families with dependent children, state's share by striking out the asterisk after the lines reading "Income disregard", "Day care", and "Foster care". Further amend said section by striking out the footnote after the appropriation for aid to families with dependent children

which reads as follows: “\*This appropriation shall not be transferred or expended for any other purpose.”

5 Repeal of Footnote Relative to Commission on the Arts. Amend Laws of 1969, 367:4 and 368:4 by striking out in the appropriation for the commission on the arts the asterisk after the line reading “Net appropriation \$10,000\*” and by striking out the footnote after said appropriation reading “\*State fund expenditures shall not exceed \$10,000.”.

6 New Chapter. Amend RSA by inserting after chapter 149-E (supp) as inserted by 1967, 147:13 the following new chapter:

#### Chapter 149-F

##### Control of Algae and Other Aquatic Nuisances

149-F:1 Control. The water supply and pollution control commission is authorized to utilize such methods of control and to employ such personnel, consultant services, and equipment as, in its judgment, will control aquatic nuisances, plant or animal in the surface waters of the state as defined in RSA 149:1.

149-F:2 Agent to Receive Funds. The commission shall be the agency to receive and utilize federal funds, gifts, or grants from any person or association, which may be made available for the purposes of this chapter.

7 Appropriation. The following sums are hereby appropriated for the purposes of RSA 149-F as inserted by section 6 of this act.

Control of Algae and Other Aquatic  
Nuisances

\$125,000

Less Estimated revenue

50,000

Net appropriation

\$75,000

The above appropriation shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Appropriation. There is hereby appropriated for the payment of refunds as certified by the state tax commission provided for by 1970, 5:20, the sum of two hundred twenty thousand dollars. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

9 Tobacco Tax; Appropriation. In order to insure the payment of the tax upon tobacco products on hand and in the possession of licensees at the time 1970, 5:10 becomes effective the state tax commission is hereby authorized to employ such temporary help as may be necessary and procure such supplies, stamps, and other things necessary for the purpose and the sum of forty-five hundred dollars is hereby appropriated to defray the cost thereof. Said appropriation shall not lapse at the end of the fiscal year but shall continue and be available so long as there is need thereof. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Appropriation for OASI. There is hereby appropriated in addition to any other sums appropriated for OASI for fiscal 1970 the amount of one hundred sixty thousand dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Insertion of Footnote. Amend the appropriation in 1969, 368:4 for old age assistance to aliens in the department of health and welfare, division of welfare by striking out said appropriation and inserting in place thereof the following:

Old age assistance to aliens:

Towns and counties*	\$192,107	
Less estimated revenue	192,107	
	<hr/>	
Net appropriation		0
Federal	\$251,700	
Less estimated revenue	\$251,700	
	<hr/>	
Net appropriation		0

\* For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

12 Extension of Water Resources Appropriation. The balance of the appropriation made for the water resources board by 1967, 394:1, VII as amended by 1969, 51:2 shall be available for expenditure until June 30, 1973.



13 Appropriation for Printing of RSA Supplements. Amend 1969, 86:2 by striking out in line one the word "thirteen" and inserting in place thereof the word (seventeen) so that said section as amended shall read as follows: 86:2 Appropriation. The sum of seventeen thousand dollars is hereby appropriated for the purposes of this act relative to the supplements for the 1971 session of the general court. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

14 Appropriation for Bicentennial Commission. Amend 1969, 455 by inserting after section 4 the following new section: 455:4-a Life of Commission and Appropriation. The commission shall continue in existence until thirty days after the two hundredth anniversary of the effective date of the definitive Treaty of Peace with Great Britain which terminated the American revolution. For the purposes of the commission, there is hereby appropriated the sum of seven hundred fifty dollars for the fiscal year ending June 30, 1971 and said appropriation shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Revised Statutes Annotated. The secretary of state, with the approval of the attorney general, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the recompilation of volume 1 of revised statutes annotated into two volumes. The contract for recompilation shall provide for the editorial preparation, including renumbering of chapters and sections, and execution and integration of new acts, of acts specifically or generally amending existing law, and of notes and annotations, publication, and distribution of the two volumes, which shall be designated 1 and 1-A. The reprinting of the volumes shall follow the general scheme for the original printing of revised statutes annotated. The provisions of RSA 8, relative to competitive bidding for state purchases, shall not apply to the contract authorized under this act.

16 Sales. The secretary of state, with the approval of the attorney general, is authorized to contract with the publisher of recompiled volume 1 of the revised statutes annotated for the sale of replacement volumes 1 and 1-A to the public at a price to be determined by the secretary of state.

17 Distribution. The secretary of state is authorized to distribute official bound copies of replacement volumes 1 and 1-A of the revised statutes annotated free of charge in the following manner: One copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire revision commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the United States court of appeals for the first circuit, the district court of the United States for this district, the United States department of justice, the library of congress, the New Hampshire historical society, the secretary of state, the state treasurer, the comptroller, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, twenty copies to the office of the director of legislative services, and fourteen copies to the office of the attorney general. Any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of replacement volumes 1 and 1-A of the revised statutes annotated. The secretary of state may distribute additional copies of original and replacement volumes of the revised statutes annotated to state government departments, offices and agencies for official use, subject to the approval of the governor and council.

18 Appropriation. The sum of seventeen thousand five hundred dollars is hereby appropriated for the purposes of sections 15, 16, and 17 of this act. The governor is authorized to draw his warrant for the sum hereby appropriated, or so much thereof as may be necessary for the purposes hereof, out of any money in the treasury not otherwise appropriated.

19 Adjustment of Totals. Adjustments of any totals in 1969, 367 or 368 which are required because of any amendments made to either of said acts by this act are hereby made and authorized.

20 Foundation Aid. There is hereby appropriated for the fiscal year ending June 30, 1971, to the department of education for foundation aid the sum of one million dollars. Said appropriation shall be in addition to any other funds appropriated therefor for said fiscal year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

21 Governor's Staff. There is hereby appropriated for fiscal year ending June 30, 1971, to the office of governor, in addition to any other sums appropriated therefor, the sum of eighteen thousand dollars. The governor is authorized to draw his warrant for the sum out of any money in the treasury not otherwise appropriated.

22 Land Disclosure. There is hereby appropriated the following sum for fiscal year 1971 to be expended by the attorney general for the following purpose:

Implementation of RSA 356-A:

Assistant attorney general		\$15,226	
Permanent personnel:			
1 Legal steno II		5,309	
Equipment:			
Desks and chairs (2)	\$ 700		
Typewriter and stand (1)	535		
File cabinets	600	1,835	
Current expenses		2,000	
Enforcement expenses		5,000	
Travel:			
In-state	2,000		
Out-of-state	1,200	3,200	
Total			\$32,570

The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

23 State Prison. The sum of fifty thousand dollars is appropriated for the purpose of converting the heating system at the state prison from coal to oil. The sum hereby appropriated shall be expended by the trustees of the state prison.

24 Bonds Authorized. To provide funds for the appropriation made in the preceding section of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of fifty thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

25 Payments. The payment of principal and interest on bonds and notes authorized in the preceding section of this act shall be made when due from the general fund of the state.

26 Transfer of Personnel. Amend in the appropriation for department of resources and economic development: I. Chapter 368:4 Laws of 1969, by reducing Permanent Personal Services under Division of Economic Development, Vacation travel promotion from 83,643 to 76,618; II. Chapter 368:4 Laws of 1969, by increasing Permanent Personal Services under Office of Commissioner, Administration, warehouse and graphic arts from 147,845 to 154,870. This paragraph authorizes the transfer of the position of Publicity Writer from the Division of Economic Development to the Office of Commissioner as Administrative Assistant; III. Chapter 368:4 Laws of 1969, by reducing Permanent Personal Services under Office of Commissioner, Design, development and maintenance from 111,614 to 101,659; IV. Chapter 368:4 Laws of 1969, by increasing Permanent Personal Services under Division of Parks, Administration from 38,748 to 48,703. This paragraph authorizes the transfer of the position of Landscape Architect from the Office of Commissioner to Division of Parks.

27 Welfare Escrow Account. The amount of forty-six thousand nine hundred fifty-four dollars and ninety cents of additional welfare funds placed in a separate account by action of the governor and council on December 17, 1969 shall be transferred to the general fund.

28 Lapse of Dual Enrollment and Child Benefit Services Appropriations. Amend section 3 and section 5 of An Act permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above, passed by the 1970 special session of the general court by striking out said sections and inserting respectively in place thereof the following:

3 Appropriation; Dual Enrollment. There is hereby appropriated the sum of six hundred thousand dollars for the purposes of section 2 of this act. This sum shall lapse on June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Appropriation; Services. There is hereby appropriated the sum of seven hundred thousand dollars for the purposes of section 4 of this act. This sum shall lapse on June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

29 Effective Date. This act shall take effect upon its passage except section 21 shall take effect on January 1, 1971.

Conferees on the part of the House  
Arthur M. Drake  
John B. Goff  
Charles L. McGinness  
C. R. Trowbridge  
Kimon S. Zachos

Conferees on the part of the Senate  
George Gilman  
Paul E. Provost  
Howard C. Townsend

(Rep. O'Neil in the Chair)

(discussion)

Reps. Cares and Trowbridge spoke in favor of the report.

Rep. Eaton spoke against the report.

(Speaker in the Chair)

Rep. Zachos spoke in favor of the report.

Report adopted.

## MOTION

Representative Bittenbender moved that the estimates of revenue used by the conference committee, which estimates were distributed to the members of the House this morning, be printed in their entirety in the regular journal for this date.

Adopted.

PROJECTION OF GENERAL FUND  
Unappropriated Surplus  
For The

Biennium Ending June 30, 1971

	Fiscal 1970	Fiscal 1971	Biennium Ending June 30, 1971
Unappropriated Surplus at June 30, 1969 . . . . .	\$ - 871,491	\$ - 871,491	\$ - 871,491
Unappropriated Surplus at June 30, 1970 . . . . .		\$ - 2,318,468	
<b>Fiscal Year 1970:</b>			
Estimated Unrestricted Revenue			
Revised Estimates (See Page 2)	\$69,335,637		\$145,602,118
Non-Resident Income Tax		\$ 76,266,481	1,700,000
Business Profits Tax		1,700,000	22,800,000
Insurance Premium Tax - Advance Payment		2,000,000	2,000,000
Total Unrestricted Revenue	\$69,335,637	\$102,766,481	\$172,102,118
Less: Debt Service Requirement	3,806,493	3,593,507	7,400,000
Special Fund Lapses			
Special Fund Converted Revenue	65,539,144	\$99,172,974	164,702,118
Lapse - Welfare Escrow Account	35,634		35,634
Lapse Pawtucketway Escrow Account	234,705	262,345	517,050
	46,955		46,955
	184,000		184,000
Estimated Funds Available	65,178,947	\$97,116,851	164,614,266
<b>Deduct:</b>			
Budget - Chapter 367-368 Laws 1969			
Special Bills - 1969 Session	\$66,491,255		\$138,301,687
Special Bills - 1970 Special Session	2,756,173		7,019,333
Reimbursement to Local Communities-Business Profits Tax	849,987		6,376,313
			17,821,754
<b>Total</b>	\$70,097,415	99,421,672	\$169,519,087
Less: Estimated Lapses	2,600,000	2,800,000	5,400,000
Estimated Unappropriated Surplus - June 30, 1970	67,497,415	96,621,672	\$164,119,087
June 30, 1971	\$ - 2,318,468	\$ 495,179	495,179

April 29, 1970  
Conference Committee

# REVISED PROJECTIONS

## General Fund Unrestricted Revenue

	Fiscal 1969				Fiscal 1970				Fiscal 1971			
	Rec'd at March 31	Total for year	Adjusted Estimates	Received at 3/31	Revised Estimates	Increase or Decrease in Estimates	Adjusted Estimates	Revised Estimates	Adjusted Estimates	Revised Estimates	Increase or Decrease in Estimates	
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 7	Col. 8	Col. 9	
Railroad Companies	90,717	148,708	180,000	44,918	140,000	-40,000	180,000	140,000	180,000	140,000	-40,000	
Utilities Tax	0	1,113,144	1,400,000	3	1,400,000	0	1,600,000	1,600,000	1,600,000	1,600,000	0	
Board & Care	1,253,422	1,675,304	1,937,000	1,398,000	1,937,000	0	2,112,000	2,112,000	2,112,000	2,112,000	0	
Beer	1,553,894	2,225,663	2,365,000	1,716,555	2,458,895	93,895	2,542,375	2,692,127	2,542,375	2,692,127	149,752	
Telephone	2,869,128	2,869,128	3,150,000	3,396,669	3,396,669	246,669	3,470,000	3,924,210	3,470,000	3,924,210	454,210	
Head Tax	1,275,177	1,570,366	1,700,000	1,166,725	1,600,000	-100,000	1,800,000	1,700,000	1,800,000	1,700,000	-100,000	
Legacy Tax	2,572,084	3,775,843	4,350,000	2,372,202	4,450,000	100,000	5,280,000	5,230,000	5,280,000	5,230,000	50,000	
Insurance	85,264	3,591,774	3,845,801	3,313,626	4,111,150	265,349	4,023,683	4,108,775	4,023,683	4,108,775	85,092	
Racing - Thoroughbred	4,392,705	4,393,657	4,400,000	4,435,359	4,436,000	36,000	5,500,000	5,586,000	5,500,000	5,586,000	86,000	
Harness	2,360,422	3,056,047	3,850,000	2,908,545	4,204,770	354,770	4,100,000	4,300,000	4,100,000	4,300,000	200,000	
Tobacco Tax	9,272,540	12,401,602	13,250,000	10,131,311	13,560,849	310,849	14,768,505	14,868,595	14,768,505	14,868,595	100,000	
Liquor	12,670,087	16,640,542	18,628,832	14,956,168	19,655,891	1,027,069	20,050,300	21,075,000	20,050,300	21,075,000	1,024,700	
Meals & Room	1,904,996	2,972,990	4,462,296	2,777,918	4,462,296	0	5,131,641	5,131,641	5,131,641	5,131,641	0	
Other	1,545,836	2,958,905	3,970,357	2,109,048	3,522,117	-448,240	4,003,409	3,698,223	4,003,409	3,698,223	-305,186	
	41,746,272	59,994,273	67,489,286	51,327,044	69,335,637	1,846,351	74,561,913	76,266,481	74,561,913	76,266,481	1,704,568	

## Reconciliation of Adjusted Estimates:

Fiscal 1970:		Fiscal 1971:	
Original Estimate	\$70,429,286	Original Estimate	\$76,283,408
Less: Elimination Lineal Descendants	-2,900,000	Less: Elimination Lineal Descendants	-4,300,000
Share of snowmobile revenue to Fish & Game	-40,000	Share of snowmobile revenue to Fish & Game	-40,000
Adjusted estimate-as above	\$67,489,286	Add: Racing Increase Tobacco Tax Increase	1,100,000
			1,518,505
			\$74,561,913

1970 SPECIAL SESSION  
APPROPRIATION BILLS  
as of April 29, 1970

	Total		General Fund		Highway Fund		Special Fund		Fish & Game Fund		Federal Funds		Bonds	
	1970	1971	1970	1971	1970	1971	1970	1971	1970	1971	1970	1971		
House Bills:														
2	Classified Salary	787,195	673,679	463,109	261,668	129,998	32,862	30,429	23,037	8,951	77,537	41,192		
6	Consumer Protection		45,226	45,226									3,500,000	
13	Central H.H. Turn.	3,500,000											250,000	
28	Ind.Sch.Med.Fac.	250,000												
30	Alcohol & Drug Abuse	6,296	257,015	257,015										
39	Land Disclosure	--	--	--										
51	Supp. Appro.	370,100	6,278,464	270,100	3,420,826		50,000	571,866			2,285,772		50,000	
HJR														
3.	Tax form examiner	9,204	19,475				9,204	19,475						
Senate Bills:														
2	Director of Budgets		29,000	29,000										
6	Real Estate	375	1,500				375	1,500						
7	Education Compact		6,000	8,000										
9	Pierce Brigade	20,000												
14	Non Public Schools	7,500	1,300,000	7,500	1,300,000		20,000							
16	UNH Water System	750,000												
23	Southwestern State													
	Park	538,000											750,000 SS (UNH)	
24	Data Processing	160,000									250,000		288,000	
26	Eastern States Bldg.	6,000												
31	Sale of Explosives	500												
36	M.V.Registration, etc.	27,000	22,954	7,500	3,150	13,000	6,500	11,077				4,077		
Total		6,432,170	8,635,213	899,987	5,526,326	274,668	134,548	118,941	634,347	23,037	8,951	327,537	2,331,041	4,838,000
		15,067,383		6,376,313		409,216		753,288		31,988		2,658,578		4,838,000



The Speaker addressed the House as follows:

I would like to quote primarily from the remarks I made to you a year ago January. I said at that time, I was honored to stand before you as your newly chosen Speaker and the warmth of your welcome increases my determination to conduct myself in this high office in a manner that will bring credit at all times to the office and to the Legislature. Your warmth since then has increased my determination to do this. I stated, I shall strive to rise above personal differences and considerations to the extent humanly possible so that we may together effectively serve the people of New Hampshire. I think our record in the last session and in this session indicates that we have done that.

I told you that day that the federal-state system is on trial. The State government is on trial. The New Hampshire General Court is on trial, and the four hundred member House is on trial. And how we perform in solving the vital problems facing New Hampshire will determine in a large measure whether or not these institutions will survive and remain a viable force of government. I can say to you tonight, with quiet pride, that I think we have met that challenge. I think we have shown the people of New Hampshire that this is a responsible system of government and that we were equal to the change. We can differ in individual measures, we can differ in philosophies of government, but I think together as a four hundred member unit, we have proven that this legislature and this House is responsible to the needs of the people.

I said during the campaign leading up to this special session, many times, in trying to sell the task force report, that I felt that the task force report would go down in history as the most economical report about state government since the changes recommended by Sherman Adams. I confess to you, at that time I did not feel that we would be as successful in implementing as many of those recommendations as we have done. I think that this legislature is going to go down in history as certainly the most productive session of the legislature since 1951, and there are those, including Governor Adams, who think that maybe it will even go down better than that.

I told you that day, that I believe state governments must be modernized before they can expect to reverse the trend toward federal assumption of the state's traditional responsibilities. It is clear the drafters of our Constitution envisioned three

branches of government with a system of checks and balances. While the Constitution provides this framework, it is necessary that each branch assume its responsibility of operating efficiently. I think in this House, more than probably in any other time in the last decade, we have done more to operate efficiently and put into effect some of the efficient procedures that have been badly needed. We have a long way to go, but I think we made giant steps.

I said to you that day, that if we do not modernize our procedures to solve New Hampshire's problems in New Hampshire, then the slow erosion by the federal process will become an avalanche of unbelievable proportion. It is when the states are not responsive to the people and the people's problems, that the federal government moves into the vacuum. We have made major changes in New Hampshire in this Special Session. We have made major changes in reform in the legislative branch of the government that will live long beyond the time we sit here and serve.

We have made the first major change in our tax structure in a number of years, and I think we can reflect with quiet pride upon that. We have made some major changes and recommended some in the executive branch. I think, if we fell down at all in this special session, it is that we did not go far enough in modernizing the executive branch of the government. I think we did not do as much as might have been done to give them the tools to perform efficiently and adequately. I think that is one of the challenges that lies ahead of us.

I told you that day that every method will be evaluated with the end in sight of how we might most effectively utilize the time and services of each of the four hundred of us to best serve the people of New Hampshire. I think we have met that responsibility, and I think we have met that goal.

I told you the issue is not state's rights, but state's responsibilities. The challenge is to develop a legislature capable of acting on problems rather than belatedly reacting under pressure from other units of government. At stake is the future of representative democracy in a complex technological era. The rewards of legislative reform can mean better use of tax money, revenue raised by the states as well as revenue coming to us from the federal government. The rewards of legislative reform can mean improved human welfare and a safeguarding of in-

dividual liberty. We have felt some of these rewards in this session and in many of these areas we have a long way to go.

But, the important first step is a strong, efficient, and effective state legislature. We have made giant steps towards that goal but unless we sell to the people of New Hampshire the two questions dealing with annual sessions and legislative pay, and I would charge each and every one of you to go forth this Fall, whether you are running or not again, and to carry this message from the hilltop that we need a strong effective legislature and these are tools that can help us to do that job.

I pledge to you that I will continue to work for both of these goals. I will continue to work to strengthen the legislative branch of the government, and let me say one thing that I probably had not ought to say because I usually manage to say one thing that I had not ought to in most anything I say. I feel strongly and you have heard the size of the New Hampshire House criticized year in and year out, and I too, have some doubts as to whether four hundred is a magic number, but let me say to you ladies and gentlemen, that if I was never convinced of it before, I have been convinced of it the past three days that the real problem in the New Hampshire legislature is not the size of the House, but the size of its senate. I found out in the last days of the last session, that one of the best ways to run for re-election is to run against the senate, and it appears to still be true. I would just like to close again, like I always like to close my remarks to you that my credo has always been: I am only one, but I am one; I cannot do everything; but I can do something; and what I can do by the grace of God I will do. Let us conduct ourselves, I said that day to be a credit to the government we serve, and the people we represent. Finally, let us so conduct ourselves so that we may look back in the years to come and say with quiet pride "I'm proud to have served in the 1969-1970 Legislature."

There you have it. Those are my goals. Those are my aspirations for this house, and this is the challenge I leave with you.

I say tonight ladies and gentlemen with the utmost respect and admiration that I think you have met that challenge.

Reps. O'Neil and Cares moved that a committee be appointed to notify the Senate and Governor that the House is ready to meet in Joint Convention.

Adopted.

The Speaker appointed Reps. Logan, Eastman, Angus, Leighton, Stuart Allan, Casassa, Maloomian, Bruton and LaFrance.

### ENROLLED BILLS COMMITTEE

HB 2, increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of non-academic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees; providing for a study of cost-of-living increases of state employees by the salary study committee.

HB 57, making amendments to the business profits tax and the act imposing a tax on certain income.

SB 31, relative to the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.

Roxie A. Forbes  
For the Committee

Accepted.

### SENATE MESSAGE

Senate Adoption of  
Committee of Conference Report on

HB 25, providing for a ten percent charge on collections made by the probation department on arrearage payments.

SB 6, relative to the real estate commission and making an appropriation therefor.

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

### ENROLLED BILLS COMMITTEE

SB 3, relative to the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.

SB 25, relative to the department of centralized data processing.

HB 7, to regulate the sale of hypodermic syringes, needles or like instruments, making the possession of a pound of marijuana a felony, and relative to the sessions, clerk, entry fees, and reports of the supreme court.

Roxie A. Forbes  
For the Committee

Accepted.

## JOINT CONVENTION

Governor Peterson addressed the Joint Convention as follows:

## PROROGATION SPEECH

Mr. President, Mr. Speaker, and Members of the General Court . . .

The 1970 Special Session is about to come to an end. It has been, in my judgement, a most productive and progressive session, and I hope you are proud of the accomplishments of the last five weeks as I am.

There has never been a special session in our history to match this one. I am told that in the 13 previous special sessions in New Hampshire history, going back 187 years, a grand total of 105 bills was passed, with 25 being the highest total of any one session. In this session alone you have considered and passed some 75 measures.

This record of accomplishment is a high tribute not only to your determination to face the issues before you, but also the dedication and considerable organizational skill of your leadership. No session of the Legislature within my memory has been as well-organized as this, nor — considering the severe limitation of time — as productive. I hope — and I believe — that the citizens of New Hampshire appreciate your hard work, and the good works, of this session.

It requires no special insight for me to tell you that here in New Hampshire, as well as in most other parts of the country, we live in an era of rapid growth and change. This puts new stresses and strains on government, in fact on all the branches

of government, the executive, the legislative and the judicial, and we have all come in for our share of criticism, some of it fair, and some of it unfair. We never will succeed in carrying out the particular wishes of every citizen, nor redress every personal grievance, but we can try to do as well as we can within the limits of reason and budget to keep pace with the legitimate needs of our growing state.

If there is a cynicism these days about the responsiveness of government, by your action here you have dispelled a good deal of it. It has been said that the great problem facing us in the decade of the 1970's is to make government work. I think we have made a good start here in 1970.

I know that in the public's mind the business profits tax is probably considered, for good or ill, the most memorable piece of legislation you passed at this session. And it was, together with other measures, the key that opened the door to much else.

But I can't let you go home without a word about this major reform of our revenue structure, the greatest single tax reform achieved in our history. House Bill one, I remind you, repealed 12 ancient taxes, all of them inequitable, anachronistic and justifiably unpopular. Their only virtue was that they were predictable — and one of the things you could predict about them was that they were leading New Hampshire down the road toward serious social consequences. In many communities the stock-in-trade, machinery and other business property taxes had reached, if not exceeded, the limits of their productivity without adversely influencing the business climate in New Hampshire. I think if this Legislature had been called together to enact, instead of to repeal, these taxes, you would have rejected them out of hand.

Let me mention, for the record, the other results of your action:

It made possible the repeal of the inheritance tax on lineal descendants.

It made possible additional state aid to local schools, as well as a new program of aid to communities with financially troubled parochial schools.

It made possible a vastly increased effort in the field of pollution control, in a time when the public clamor for preserving our environment has grown much louder.

It made possible a redoubling of our effort to combat drug abuse.

Your action made possible much-needed transfusions for our State Hospital and for our community mental health centers. It brought a vital cost-of-living increase for recipients of state aid programs.

And it made possible a pay raise for state employees, with a special boost for those in the lower grades.

At the same time, this Legislature took steps toward reorganization of state government. It will be a while before you see the good results of having a state budget director, or of making the state's planning office into a true State Planning Office, but you have given a governor and future governors better tools to plan and coordinate state activities and this cannot help but improve the management of the taxpayer's business.

You have given the voters of New Hampshire an opportunity for annual sessions of the Legislature and for a four-year term for governor. I believe you have done the right and necessary thing, and I hope you will join in urging our citizens to approve these constitutional amendments.

The list of all the measures you have passed is too long to recite. Let me just say that although little may have been said about many of them taken together, they move us in the right direction.

I have long believed, as a legislator and now as governor, that this General Court, given adequate and honest information, will always act in the best interest of our state. Last year you authorized and appropriated \$190,000 for a Citizens' Task Force. Your judgement, I think we can now say, proved correct. The Citizens' Task Force laid the groundwork for this special session. It did the research necessary for us to understand where we are in 1970, and it gave rise to fruitful public debate on the important issues facing us now and in the foreseeable future.

The 300 unpaid volunteers who made up the Citizens' Task Force deserve our deepest thanks for the efforts they made toward the success of this special session.



This session is now at an end, but it is really just the end of the beginning. What you have done here is to start New Hampshire on a new road, and it is anything but a dead end. We can expect, as the Task Force pointed out in what it called "Blueprint for the future," that our problems will become larger and more complex, and I believe that you will rise to the occasion next year and in succeeding years, to deal with them.

We made progress toward preserving our environment at this session;

We made progress toward an equitable and productive revenue structure;

We made progress in meeting the needs of citizens and institutions;

We made progress toward a modern governmental structure.

But the task of shaping government to make it efficient and economical, responsible and responsive, is never ending.

We made a great deal of progress in this special session and I know the people of our state will be grateful as they look back on your achievements. But this historic session is a harbinger of things to come.

The courage and common sense you showed in the last five weeks fills me with confidence about the future of New Hampshire.

THANK YOU . . .

Sen. English moved that the Joint Convention arise.

Adopted.

Rep. Zachos moved that the Governor's speech be printed in the Journal.

Adopted.

Rep. Casassa moved that the Speaker's speech be printed in the Journal.

Adopted.

RECESS



## AFTER RECESS

## ENROLLED BILLS COMMITTEE

HB 39, providing for full disclosure in land sales.

SB 6, relative to the real estate commission and making an appropriation therefor.

HB 25, providing for a ten percent charge on collections made by the probation department on arrearage payments.

HB 51, making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission, and providing for recompilation of volume 1 of the RSA with the appropriation therefor.

Roxie A. Forbes  
For the Committee

Accepted.

Reps. Vachon and O'Neil offered the following resolution.

*Whereas*, we are sorry to learn of the illness of Representative Hilda C. F. Brungot of Berlin, therefore be it

*Resolved*, that we, the Members of the House of Representatives in General Court convened, extend our sympathy to Representative Brungot in her illness and our best wishes for a speedy recovery, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to her.

Rep. O'Neil moved that when the House adjourns today it adjourns subject to the call of the Speaker.

Rep. Newell spoke against the motion as follows:

"I object to the motion to adjourn the House 'subject to the call of the Speaker' because I doubt that the House has authority under the constitution to create a new method of convening itself."

Rep. Nixon spoke against the motion.

Motion adopted.

The Governor prorogued the House, subject to the call of the Speaker.

Rev. W. L. Shafer, House Chaplain, offered prayer.

ALMIGHTY GOD — diligently we have labored in the vineyard of democracy, recognizing the work we have accomplished, aware of the continuing responsibilities of freedom. As we prepare to depart from this "House of Democracy," we pause to ask Thy holy blessing upon our "Granite State" of New Hampshire, our fellow citizens, and Members of this House. Deliver us unto the safety of our homes, refreshing our minds and spirits to resume the responsibilities of tomorrow in our lives. May our labors of today be a constant reminder of the privileges and the opportunities of our American way of life, so ordained and blessed by Thy Divine Inspiration. Continue Thy Favor upon us as we serve Thee daily, through faith and love in Thy Name — Amen.

Rep. Vachon moved adjournment, subject to the call of the Speaker, at 12:44 A.M.

INDEX  
OF  
HOUSE JOURNAL



## HOUSE JOURNAL SUBJECT INDEX

The index on the pages immediately following refers to bills by number. *Page references for action on all legislation are in the Numerical Index to Bills and Resolutions*, following this Subject Index. The Roll Calls are listed in this index in numerical order under Roll Calls.

This Subject Index has page references for all matters not contained in numbered bills or resolutions.

The abbreviations listed below are used in the Subject Index:

<b>adop</b>	adopted
<b>am</b>	amended, amendment
<b>com</b>	committee
<b>rep</b>	report
<b>res</b>	resolution
<b>SO</b>	special order

### A

- Accountancy board**, additional appropriation ..... HB 51 am
- Administration and control**, additional appropriation ..... HB 51 am  
SB 24 am
- Aeronautical Institute**, New England, degree granting powers ..... SB 32 am
- Aged**  
home for, established at Glenduff ..... HB 5  
property tax exemptions, statute clarified ..... HB 35
- Agriculture dept.**, authority over Eastern States Exposition state building.. SB 26
- Air pollution**  
additional appropriation ..... HB 51  
civil action for injunctive relief ..... SB 27 am  
commission membership and powers ..... SB 27
- Aircraft piracy**, res to congressional delegation ..... 50
- Airports**, construction loans for public roads ..... HB 31
- Alcohol and drug abuse program**, appropriations ..... HB 30
- Alcoholic beverages**, licenses and permits, voluntary nonprofit organizations SB 11
- American Revolution bicentennial commission**, life defined and  
appropriation ..... HB 51 am
- Anderson, Leon W.**, state house sesquicentennial, rep 37-40, presentation of  
portraits 222-226
- Annual sessions of general court** ..... CACR 1
- Annuities**, variable, license fees ..... HB 42
- Appropriations**, additional or special. See: Agency or subject concerned
- Aquatic nuisance control** ..... HB 23  
HB 51 am
- Arts commission**, state fund expenditures, restrictions repealed ..... HB 51
- Attorney general**  
additional appropriation ..... HB 51 am  
additional staff ..... HB 6  
HB 39  
consumer fraud division ..... HB 6  
HB 39  
consumer protection division ..... HB 6 am  
HB 39 am
- Attorneys**, practice of law by corporations, exception ..... SB 13  
See Numerical Index following for action on bills

## B

Beaches, public, polluted, closed by water supply and pollution control commission .....	HB 19
<b>Belknap co.</b>	
attorney, salary set by county convention .....	HB 22 am
commissioners, salary set by county convention .....	HB 22 am
register of deeds, salary set by county convention .....	HB 22 am
sheriff, salary set by county convention .....	HB 22 am
treasurer, salary set by county convention .....	HB 22 am
<b>Bills</b>	
policy for distribution .....	20-21
predrafting, res adopt .....	287-288
<b>Blind</b>	
aid to needy	
additional appropriation .....	HB 51
duties of welfare div. ....	HB 26
services, transferred to education dept. from health and welfare dept ..	HB 26
<b>Blue Cross and Blue Shield building leased for state office space .....</b>	<b>SB 24 am</b>
<b>Bonds</b>	
Kearsarge regional school district, road construction .....	SB 29
municipal, water pollution control, state guarantee increased .....	HB 8
school districts, state guarantee .....	SB 14
state	
highway construction on Central N.H. turnpike .....	HB 13
medical facilities at industrial school .....	HB 28
prison heating system conversion .....	HB 51 am
state park system .....	SB 23
water system expansion, University of N.H. ....	SB 16
towns or districts	
hearing requirements clarified .....	HB 37
hearing requirements repealed .....	HB 12
voting by printed ballot repealed .....	HB 12
<b>Brungot, Rep. Hilda C. F., res on illness .....</b>	<b>349</b>
<b>Budget director, governor's office, appropriation .....</b>	<b>SB 2 am</b>
<b>Business profits tax .....</b>	<b>HB 1</b>
amendments .....	HB 57

## C

<b>Cannon mountain project, additional appropriation .....</b>	<b>SB 23</b>
<b>Carroll co.</b>	
attorney, salary set by county convention .....	HB 22
treasurer, salary set by county convention .....	HB 22
<b>Central N.H. turnpike, additional lanes between Hooksett and Concord ..</b>	<b>HB 13</b>
<b>Charitable organizations, exempt from inheritance tax .....</b>	<b>HB 1</b>
<b>Child benefit services</b>	
appropriation .....	SB 14 am
to lapse June 30, 1971 .....	HB 51 am
<b>Children</b>	
dependent, aid to families	
additional appropriation .....	HB 51
certain appropriations may be transferred .....	HB 51
handicapped, additional appropriation .....	HB 51
<b>Cities, revenue returned from state to replace repealed taxes .....</b>	<b>HB 1</b>
<b>Citizens' task force recommendations, opening remarks by governor .....</b>	<b>9-16</b>
<b>Cobleigh, Marshall. See: Speaker</b>	
<b>Colebrook, 200th anniversary, res of congratulations .....</b>	<b>315</b>
<b>Collective bargaining, University of N.H., commission membership .....</b>	<b>HB 33</b>
<b>College and University Council, N.H., supplies purchased by purchase and property director .....</b>	<b>HB 16</b>
<b>Columbia, 200th anniversary, res of congratulations .....</b>	<b>315-316</b>
<b>Committees, assignments .....</b>	<b>31-32, 41, 63</b>

Community affairs, office of .....	HB 3
Community mental health services, grant .....	HB 51 am
Commuters income tax .....	HB 41
amendments .....	HB 57
Comparative negligence, burden of proof .....	HB 18
Competition, unfair. See: Unfair trade practices	
Concord Monitor, appropriation figures corrected by Arthur Drake ....	190-192
Connecticut lakes study, additional appropriation .....	SB 23
Constitutional amendment proposals	
annual sessions of general court .....	CACR 1
general court	
compensation, amending CACR 1 (1969) .....	CACR 5
taxing powers .....	CACR 4
to elect governor in a tie vote .....	CACR 2
governor, 4 year term .....	CACR 2
Constitutional amendments, voters' guide .....	HCR 7
Construction equipment, oversize, highway use .....	HB 36
Consumer fraud division, attorney general's office .....	HB 6
	HB 39
Consumer protection division, attorney general's office .....	HB 6 am
	HB 39 am
Conway village fire district, bond issue vote legalized .....	HB 54 am
Coordinator of federal funds, additional appropriation .....	HB 51 am
Corporations, dissolution, prohibited until business profits taxes paid ....	HB 1
Cost-of-living	
adjustment study, state officials and employees .....	HB 2 am
adjustments, state employees, grades 1-11 .....	HB 2 am
increases, welfare recipients, additional appropriation .....	HB 51
Councilor districts, redistricting, interim study commission .....	HJR 2
Counties, highway safety programs .....	HB 22 am
County attorneys, salaries	
Belknap, set by county convention .....	HB 22 am
Carroll, set by county convention .....	HB 22
Strafford .....	SB 8
set by county convention .....	SB 8 am
County commissioners, salaries	
Belknap, set by county convention .....	HB 22 am
Strafford, set by county convention .....	SB 8 am
County treasurers, salaries	
Belknap, set by county convention .....	HB 22 am
Carroll, set by county convention .....	HB 22
Strafford, set by county convention .....	SB 8 am
Crotched mountain rehabilitation center, additional appropriation ....	HB 51
Curry, Rev. Robert B., guest chaplain .....	199

## D

Daniel Webster Junior College, charter repealed .....	SB 32 am
Danville, town of, meeting in 1970 legalized .....	HB 54
Data processing	
and system management coordinator, safety dept. ....	SB 36 am
building design appropriation .....	SB 24 am
personnel, appropriation .....	SB 24
powers and authority expanded .....	SB 25
David Wayne Hildreth Dam named, Berry Brook (Warren) .....	HJR 4
Delisle, Rep. Eugene, res on death .....	35
Demarais, Teresa B., retirement credits .....	SB 12
Derry, cooperative school district no. 1, foundation aid .....	SB 32
Dionne, John B., former Rep., res on death .....	175
Disabled, aid, additional appropriation .....	HB 51
Dog racing, proposed joint resolution .....	176-177

See Numerical Index following for action on bills

Drake, Arthur, appropriation figures in <i>Concord Monitor</i> corrected . . . .	190-192
Dredging. See: Excavating	
Drugs. See also: Marijuana	
and alcohol abuse program, appropriations . . . . .	HB 30
falsifying prescriptions, repealed . . . . .	HB 7 am
Dual enrollment	
appropriation to lapse June 30, 1971 . . . . .	HB 51 am
grants . . . . .	SB 14

## E

Eastern States Exposition, state building, operation and management transferred to dept. of agriculture . . . . .	SB 26
Easton school district, meeting in 1970 legalized . . . . .	SB 32 am
Easton, town of, meeting in 1970 legalized . . . . .	HB 49
Education	
child benefit services . . . . .	SB 14 am
appropriation to lapse June 30, 1971 . . . . .	HB 51 am
department	
additional appropriation . . . . .	HB 51
appropriation for alcohol and drug abuse program . . . . .	HB 30
blind services transferred to . . . . .	HB 26
dual enrollment . . . . .	SB 14
appropriation to lapse June 30, 1971 . . . . .	HB 51 am
higher	
and health facilities authority . . . . .	HB 34
building corporation, name and authority changed to include health facilities . . . . .	HB 34
New England board, appropriation increased . . . . .	HB 10
	HB 51 am
interstate compact . . . . .	SB 7
special, additional appropriation . . . . .	HB 51
state aid, additional appropriation . . . . .	HB 51
	SB 14
state board	
reimbursement to Lebanon school district for snow damage . . . . .	HJR 5
safety and driver education appropriation increased . . . . .	SB 36 am
transportation costs . . . . .	SB 14
vocational, additional appropriation . . . . .	HB 51
Educational institutions exempt from inheritance tax . . . . .	HB 1
Elderly. See: Aged	
Environmental control, additional appropriation . . . . .	HB 51
Excavating	
hazardous man-made pits, interim committee appointments . . . . .	256
notification of abutters, statement by resources, recreation and development committee . . . . .	278
waters and wetlands, jurisdiction of water resources board . . . . .	HB 15
Explosives, purchase, storage, and transport license . . . . .	SB 31 am

## F

Fire control board, powers limited, membership increased . . . . .	HB 43
Fire marshal	
nominated by fire control board . . . . .	HB 43 am
powers increased . . . . .	HB 43
Firemen's retirement system, beneficiary of retirement age member who dies in service . . . . .	HB 50
Flume disposal system, appropriation . . . . .	HB 51 am
	SB 23 am
Forest products, tax repealed . . . . .	HB 57
Foss, Helen M., real estate broker's license issued to . . . . .	SB 6 am
Foundation aid. See: Education, state aid	



Franconia school district, meeting in 1970 legalized .....	SB 32 am
Fraternal benefit societies, license fees .....	HB 42
Frost Homestead, appropriation .....	SB 23
Fur-bearing animals, tax repealed .....	HB 1

## G

General court. See also: House of Representatives	
annual sessions .....	CACR 1
fiscal committee, approval of salary adjustments for unclassified positions .....	HB 2 am
legislative committee, abolishment of vacant classified positions ..	HB 38 am
members	
compensation, amending CACR 1 (1969) .....	CACR 5
race track work permitted on nonlegislative days .....	HB 24
taxing powers .....	CACR 4
to elect governor in a tie vote .....	CACR 2
General fund, revenue estimates .....	338-340
Geriatric facility, Glenclyff .....	HB 5
Gilmanton, town of, meeting in 1970 legalized .....	HB 48
Glenclyff sanatorium. See: Sanatorium, state	
Goshen, town of, meeting in 1970 legalized .....	HB 44
Governor (Walter Peterson)	
acceptance of portraits of former governors .....	226-227
addresses	
opening .....	9-16
prorogation .....	345-348
election, tie vote decided by ballot of general court .....	CACR 2
4 year term .....	CACR 2
legal counsel, appropriation .....	SB 3 am
office, appropriation increased .....	HB 51 am
	SB 3 am
staff and legal counsel .....	SB 3
Guth, Rev. Herbert J., guest chaplain .....	80

## H

Hamilton, Rep. Ruth, remarks on a Texan's campaign expense report ..	219-220
Hampe, Atty. Richard, letter explaining amendment to HB 41 .....	131-133
Hampton, town of, meeting in 1969 legalized .....	HB 46
Handicapped children, additional appropriation .....	HB 51 am
Hartigan, Paul, retirement credits .....	SB 12 am
Health and welfare dept., additional appropriation .....	HB 51
Higher education. See: Education, higher	
Highway safety programs, counties .....	HB 22 am
Highways	
classification, Sutton .....	SB 29 am
construction loans by industrial development authority .....	HB 31
route 16, accelerated improvement .....	HCR 5
toll. See: Central N.H. turnpike	
Hildreth, David Wayne, Dam named, Berry Brook (Warren) .....	HJR 4
Historical commission chairman, advisor to Pierce Brigade .....	SB 9 am
Home for the elderly, N.H. ....	HB 5
Horses, stud, tax repealed .....	HB 1
Hospital, N.H.	
additional appropriation .....	HB 51
aged patients, transfer .....	HB 5
Hospital service corporations, license fees .....	HB 42
Hospitals, higher educational building corporation to include .....	HB 34
See Numerical Index following for action on bills	

**House of Representatives.** See also: General Court

adjournment subject to call of speaker .....	349-350
bills. See: Bills	
cancellation of scheduled meeting, res adop .....	20
clerk and assistant clerk, compensation .....	SCR 1
committees. See: Committees	
informed that Senate has assembled .....	9
journal. See: Journal, House	
members	
deaths .....	31, 35-36, 53-54
milage. See: Milage	
qualified .....	2
resignations .....	1-2
memorial service .....	52-54
roll calls. See: Roll calls	
rules. See: Rules, House	
sessions recorded on tape tabled 21, SO 31, adop 34, am tabled 287	
Speaker. See: Speaker	
<b>Housing dept.</b> .....	HB 4
<b>Hudson, Taylors Falls bridge, reconstruction</b> .....	HB 40
<b>Hudson, town of, meeting in 1970 legalized</b> .....	HB 47
<b>Hypodermic instruments</b>	
sale and possession regulated .....	HB 7
sale only in drug stores, repealed .....	HB 7 am

## I

<b>Income tax, nonresidents</b> .....	HB 41
<b>Industrial areas, construction loans for public roads</b> .....	HB 31
<b>Industrial development authority</b>	
bond limit increased .....	HB 31
construction loans for certain roads .....	HB 31
<b>Industrial school, medical facilities</b> .....	HB 28
<b>Inheritance tax</b>	
exemptions	
educational, religious, and charitable organizations .....	HB 1
lineal ascendants and lineal descendants .....	HB 1 am
refunds, appropriation .....	HB 51 am
<b>Insurance</b>	
advisory committee .....	HB 42 am
agents and brokers, licenses and license fees .....	HB 42
brokers, license term .....	HB 42 am
claims adjusters, license renewals .....	HB 42
companies	
licenses and fees .....	HB 42
minority interests, acquisition of .....	HB 42
variable annuity contracts, license fees .....	HB 42
department	
additional personnel .....	HB 42
administration of insurance laws .....	HB 42
guaranty association, N.H. ....	HB 42
liability, motor vehicles. See: Motor vehicles, liability insurance	
life, group, spouse and dependents may be included .....	HB 42
premium taxes .....	HB 42
rating organizations, license fees .....	HB 42
vending machines, license fees .....	HB 42
<b>Interim commissions and committees</b>	
cost-of-living adjustment study, state officials and employees .....	HB 2 am
hazardous man-made pits, appointments .....	256
land profit tax .....	HB 27
nonpublic school study .....	SB 14 am
office space study committee .....	SB 24 am

**Interim commissions and committees — continued**

redistricting councilor districts .....	HJR 2
state personnel .....	HB 9
	HB 38 am
Taylor's Falls bridge, reconstruction .....	HB 40
territorial water pollution .....	SJR 1
Interstate compacts, education .....	SB 7

**J**

Jackasses, tax repealed .....	HB 1
<b>Journal, House</b>	
correction for February 25, 1969 res 22, adop 62-63	
policy for distribution .....	20-21
prepared from tapes tabled 21, SO 31, adop 34, am tabled 287	
<b>Judicial council</b>	
legislative recommendation on subdivided land .....	HB 14
search warrants, conflict in issuance .....	SB 35

**K**

<b>Kearsarge regional school district</b>	
road construction authorized .....	SB 29
road construction by state and town .....	SB 29 am
Keene state college, nonacademic employees, salary increase .....	HB 2 am

**L**

<b>Labor organizations, University of N.H. employees .....</b>	<b>HB 33</b>
<b>Lafayette regional school district legalized .....</b>	<b>SB 32 am</b>
<b>Land classification, com to study economic impact, land profit tax .....</b>	<b>HB 27</b>
<b>Land profit tax .....</b>	<b>HB 27</b>
<b>Land sales</b>	
full disclosure .....	HB 39
appeals to superior court .....	HB 39 am
appropriation .....	HB 51 am
Langlois, Alfred and Marie-Anne, marriage legalized .....	SB 15
LaPlante, Roland H., letter of resignation .....	1-2
LaTour, Rep. John H., res on death .....	31
Laws. See: Statutes	
Lebanon school district, reimbursement for snow damage .....	HJR 5
Legacy tax. See: Inheritance tax	
<b>Legal counsel to governor</b>	
appropriation .....	SB 3 am
may be appointed .....	SB 3
Legislative historian. See: Anderson, Leon W.	
<b>Legislative study committee</b>	
age discrimination prohibited in state employment .....	HB 20
fire marshal, power increased .....	HB 43
Legislators. See: General court, members; House of Representatives, members	
<b>Licenses</b>	
alcoholic beverages. See: Alcoholic beverages	
explosives, purchase, storage, and transport .....	SB 31 am
fraternal benefit societies and agents .....	HB 42
hospital service corporations and agents .....	HB 42
insurance	
agents and brokers .....	HB 42
claims adjusters .....	HB 42
companies .....	HB 42

See Numerical Index following for action on bills

**Licenses — continued****insurance — continued**

rating organizations .....	HB 42
vending machines .....	HB 42
medical service corporations and agents .....	HB 42
motor vehicle road and tourist services and agents .....	HB 42
real estate brokers and salesmen .....	SB 6
discretionary .....	SB 6 am
variable annuity companies and agents .....	HB 42
<b>Liquor commission, reimbursement for sweepstakes tickets reduced ..</b>	<b>HB 51 am</b>
	<b>HB 52</b>

**Litchfield, town of, meetings in 1965, 1966, 1967, 1968, 1969, 1970**

legalized .....	HB 47 am
<b>Littlehale, Albert D., former Rep., res on death .....</b>	<b>30-31</b>
<b>Logan, Harlan. See: Majority Leader</b>	

**M**

<b>Machinery tax, repealed .....</b>	<b>HB 1</b>
<b>Majority leader (Harlan Logan) res of appreciation .....</b>	<b>301-302</b>
<b>Management-employee relations, University of N.H., statute clarified ....</b>	<b>HB 33</b>
<b>Manchester, city of</b>	
employees	
cumulative sick leave, determined by mayor and aldermen .....	HB 53 am
sick leave, cumulative to 90 days .....	HB 53
<b>Manchester district court, justices and clerks, salaries .....</b>	<b>SB 34</b>
<b>Manchester rehabilitation center, additional appropriation .....</b>	<b>HB 51</b>
<b>Manchester school district, employees cumulative sick leave, determined by</b>	
school committee .....	HB 53 am
<b>Marijuana, possession of 1 pound, felony .....</b>	<b>HB 7</b>
<b>Maternal, child health, and crippled children's services, rehabilitation, additional</b>	
appropriation .....	HB 51
<b>Medical facilities, industrial school .....</b>	<b>HB 23</b>
<b>Medical referees, fees increased .....</b>	<b>SB 37</b>
<b>Medical service corporations, license fees .....</b>	<b>HB 42</b>
<b>Mental health div., additional appropriation .....</b>	<b>HB 51</b>
<b>Mental retardation, community development centers, grant .....</b>	<b>HB 51 am</b>
<b>Mileage, legislative</b>	
members present when meeting cancelled, res adop .....	20
report on new members .....	188-189
<b>Mills, portable, tax repealed .....</b>	<b>HB 1</b>
<b>Minority leader (Robert Raiche)</b>	
remarks against the business profits tax .....	256-261
res of appreciation .....	302
<b>Mobile homes, oversize, highway use .....</b>	<b>HB 36</b>
<b>Morrill, Rep. Roy, res on death 35-36, letter of thanks 197</b>	
<b>Motor vehicle fuel pumps and tanks, tax repealed .....</b>	<b>HB 1</b>
<b>Motor vehicle road and tourist services, license fees .....</b>	<b>HB 42</b>
<b>Motor vehicles</b>	
certificate of title issued to surviving spouse .....	SB 22 am
division, appropriation increased .....	SB 36 am
director, assistant .....	SB 36 am
liability insurance	
assigned risks .....	HB 42
cancellation .....	HB 42
uninsured motorist coverage .....	HB 42
number plates	
initial, appropriation increased .....	SB 36 am
initial, not limited to passenger cars .....	SB 36 am
multi-year permitted .....	SB 36
oversize mobile homes and construction equipment, highway use .....	HB 36

**Motor vehicles — continued**

- registration
  - fees, exemption, disabled veterans ..... HB 58
  - permits, proof of prior ownership ..... SB 22
  - snow-traveling. See: Snowmobile

**Mount Washington**

- commission, appropriation ..... SB 23 am
- summit building, appropriation ..... SB 23 am

**Municipal bonds. See also: Bonds**

- water pollution control, state guarantee increased ..... HB 8

**N****Nashua, city of**

- board of registrars ..... HB 32
- centralized voter registration ..... HB 32

**Nashua, Taylors Falls bridge, reconstruction ..... HB 40****Neat stock tax, repealed ..... HB 1****Negligence, comparative, burden of proof ..... HB 18****New England Aeronautical Institute, degree granting powers ..... SB 32 am****New England board of higher education, appropriation increased ..... HB 10  
HB 51 am****New England river basins commission, additional appropriation ..... HB 51****N.H. College and University Council, supplies purchased by director of purchase  
and property ..... HB 16****N.H. Reports, distribution ..... SB 34 am****N.H., state agencies, names beginning with. See: Distinctive word in name, e.g.,  
Education dept., Hospital, N.H.****Nonpublic schools. See: Schools, nonpublic****Nursing home increases, welfare recipients, additional appropriation .... HB 51****Nutfield Heights, Inc., housing for elderly, tax exempt ..... HB 55****O****Obscenity, definition ..... HB 56****Office space study committee ..... SB 24 am****Old age and survivors insurance, additional appropriation ..... HB 51 am****Old age assistance, additional appropriation ..... HB 51****Open space land, com to study economic impact, land profit tax ..... HB 27****Ossipee lake park project, additional appropriation ..... SB 23****P****Pari-mutuel pools, commissions and taxes increased ..... HB 1****Parks**

- division, Flume sewage disposal system, appropriation ..... HB 51 am
- state system, planning, additional appropriation ..... SB 23

**Pawtuckaway reimbursement fund, lapsed into general fund ..... SB 23 am****Personnel commission**

- age discrimination prohibited ..... HB 20
- merit rating system, appropriation ..... HB 11 am  
HB 38 am

**Personnel dept., evaluation and performance audit, interim study**

- commission ..... HB 9  
HB 38 am

**Peterson, Walter. See: Governor****Physicians, examination and education requirements ..... SB 5**

**See Numerical Index following for action on bills**

<b>Pierce Brigade</b>	
advised by historical commission chairman .....	SB 9 am
appropriation .....	SB 9
<b>Pits. See: Excavating</b>	
<b>Planning and research office</b>	
funds transferred to office of state planning .....	HB 57 am
transferred to governor's office as office of state planning .....	SB 19
<b>Planning boards. See: Subdivided land</b>	
<b>Planning office, equipment, appropriation .....</b>	<b>HB 51 am</b>
<b>Plymouth state college, nonacademic employees, salary increase .....</b>	<b>HB 2 am</b>
<b>Poll tax</b>	
age limit reduced to 68 .....	SB 10
increased from \$2 to \$3 .....	SB 10
<b>Pollution. See: Air pollution; Water pollution; Water supply and pollution control commission</b>	
<b>Portsmouth</b>	
rehabilitation center, additional appropriation .....	HB 51
tax collection dates .....	HB 29
<b>Post Office building, old (Concord), renovation and repairs, funds restricted pending further legislation .....</b>	<b>SB 24 am</b>
<b>Poultry tax, repealed .....</b>	<b>HB 1</b>
<b>Prisons. See: State prison</b>	
<b>Probation board</b>	
5% deduction from support payments repealed .....	HB 25
5% service charge on support payments collected from <i>payer</i> .....	HB 25 am
10% service charge on arrearages .....	HB 25 am
<b>Professional associations, attorneys, excepted from corporate practice restrictions .....</b>	<b>SB 13</b>
<b>Property tax. See: Taxes</b>	
<b>Public health div.</b>	
additional appropriation .....	HB 51
appropriation for alcohol and drug abuse program .....	HB 30
<b>Purchase and property director, may purchase supplies for N. H. College and University Council .....</b>	<b>HB 16</b>

## R

<b>Rabbits, domestic, tax repealed .....</b>	<b>HB 1</b>
<b>Race track, legislators permitted to work on nonlegislative days .....</b>	<b>HB 24</b>
<b>Racing, pari-mutuel pools, commissions and taxes increased .....</b>	<b>HB 1</b>
<b>Radiation surveillance, additional appropriation .....</b>	<b>HB 51</b>
<b>Raiche, Robert. See also: Minority leader</b>	
res of congratulations .....	276-277
<b>Real estate brokers and salesmen</b>	
discretionary licenses .....	SB 6 am
examinations and license fees .....	SB 6
<b>Real estate commission</b>	
appropriation increased .....	HB 51 am
compensation and qualifications .....	SB 6
<b>Registers of deeds, salaries</b>	
Belknap, set by county convention .....	HB 22 am
Strafford, set by county conventions .....	SB 8 am
<b>Rehabilitation and blind services div. ....</b>	<b>HB 26</b>
<b>Rehabilitation centers (public health div.), additional appropriation ....</b>	<b>HB 51</b>
<b>Religious organizations exempt from inheritance tax .....</b>	<b>HB 1</b>
<b>Resources and economic development dept.</b>	
additional appropriation .....	HB 51
authority over Eastern States Exposition state building transferred to dept. of agriculture .....	SB 26
transfer of personnel .....	HB 51 am
<b>Revenue estimates used by conference committees .....</b>	<b>338-340</b>

**Revised Statutes Annotated**

- distribution ..... **SB 34 am**
- recompilation and distribution of volume 1 ..... **HB 51 am**
- supplement for 1971 session, appropriation increased ..... **HB 51 am**

**Roads. See: Highways**

**Robert Frost Homestead, appropriation** ..... **SB 23**

**Roll calls**

- opening of special session ..... 4-7

**HB 1**, imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes and providing for return of revenue to cities and towns. Question (Section 1) ought to pass. Yeas, 224; Nays, 152 ..... 99-102

**CACR 2**, relating to establishing a four year term for governor providing that the governor shall be elected every four years on the nonpresidential election years, and no person shall serve more than two terms consecutively. Question, order to third reading. Yeas, 260; Nays, 107 ..... 211-214

**CACR 4**, proposing constitutional amendment relating to granting the legislature greater flexibility in raising public revenue through the power to tax, and providing that property other than land may be classified by kind, use or amount and such classes taxed differently. Question, ought to pass. Yeas, 209; Nays, 143 ..... 183-186

**Rousseau, Rep. Hector J.**, res on death 36, letter from family 63

**Rules committees, actions legalized** ..... **HCR (2)**

**Rules, House**

1969 session, continued with amendments 8, 16-17, adop 17

committee approval before introduction of bills, etc. .... **HCR (3)**

committee approval of variance in order of consideration of bill to expedite business ..... 65

rule 28-b am (notice of reconsideration) 8, adop 17

rule 43 am (notice of hearings in journal) 8, adopt 17

suspended to allow discharge and replacement of conference committee

members ..... 277-278

suspended, to dispense with appropriation hearing when one has already been held by another committee adop 49

**Rules, joint**

1969 session continued with amendments ..... **HCR (1)**

rule 12 am (final action on bills, time limits) 17-18, adop 19

rule 14 am (rules committee approval before introduction of bills, etc.) 18, adop 19

rule 27 (copies of conference report delivered before action taken) 18, adop 19

suspended to allow discharge and replacement of conference committee

members ..... 277-278

**Rulings of the Speaker. See: Speaker's rulings**

**Rye Beach village district, meetings in 1937, 1957, and 1963 legalized** ..... **HB 45**

**Rye harbor project, additional appropriation** ..... **SB 23**

## S

**Safety and driver education, state board of education, appropriation**

increased ..... **SB 36 am**

**Safety commissioner, permits for highway use of oversize mobile homes and construction equipment** ..... **HB 36**

**Safety dept.**

appropriation increased ..... **SB 36 am**

coordinator of data processing and system management ..... **SB 36 am**

**Safety services div., appropriation** ..... **SB 36 am**

**Sanatorium, state, operation as geriatric facility** ..... **HB 5**

**Sawyer, Herbert B.**, former Rep., res on death ..... 36-37

**School building authority, enlarged duties** ..... **SB 41**

See Numerical Index following for action on bills



**School districts**

- bonds, state guarantee ..... SB 14
- state aid. See: Education, state aid

**Schools**

- child benefit services ..... SB 14
- nonpublic
  - grants ..... SB 14
  - interim study commission ..... SB 14 am

Scott, Fred, former Rep., res on death ..... 50

Search warrants, time of return, statute clarified ..... SB 35

Securities, sale, certificate, form and cost ..... HB 42 am

Senate, informed that House has assembled for special session ..... 7

Sesquicentennial. See: State house

Shelburne basin project, additional appropriation ..... SB 23

**Sheriffs**

- deputies, Strafford, annual reports ..... SB 8 am
- expenses, Strafford, approved by county commissioners ..... SB 8 am
- salaries

Belknap, set by county convention ..... HB 22 am

Strafford, set by county convention ..... SB 8 am

Snowmobile section, appropriation increased ..... SB 36 am

Southwestern state park, additional appropriation ..... SB 23

**Speaker (Marshall Cobleigh)**

- closing speech ..... 341-343
- House adjourned subject to call of ..... 350-351
- opening remarks ..... 2-4
- route 16 reconstruction acceleration, hearing request to House com on public works ..... 49

**Speaker's rulings**

- a resolution not indefinitely postponed by the House could lie ..... 182
- constitutional amendments require a 60% vote of elected membership, or 239 affirmative votes ..... 182
- in absence of effective date, a bill is considered effective in 60 days ..... 187
- laying on table or making a special order not permitted during process of voting ..... 47
- tax bills need not go to appropriations committee ..... 72

**State agencies, depts., and institutions. See also: First distinctive word, as**

- Education dept., Sanatorium, state positions suspended ..... HB 38

**State employees**

- abolishments of vacant classified positions, legislative committee .... HB 38 am
- age discrimination prohibited ..... HB 20
- certain positions suspended ..... HB 38
- cost-of-living
  - adjustment study ..... HB 2 am
  - adjustment, grades 1-11 ..... HB 2 am
  - in-service training, interim study commission ..... HB 9
- merit rating system ..... HB 11
- HB 38 am
- salaries
  - adjustment fund ..... HB 2 am
  - increase retroactive, appropriation increased ..... HB 2
  - service rewards, interim study commission ..... HB 9
- HB 38 am

State house, sesquicentennial, rep by Leon W. Anderson 37-40, presentation of portraits 221-226

**State officials**

- cost-of-living adjustment study ..... HB 2 am
- salaries
  - adjustment approved by fiscal committee of general court ..... HB 2 am
  - insurance dept. .... HB 42



- State planning, office of**  
     equipment, appropriation ..... HB 51 am  
     funds transferred from office of planning and research ..... HB 57 am  
     in governor's office ..... SB 19  
**State police, appropriation for alcohol and drug abuse program** ..... HB 30  
**State prison, heating system conversion**  
     additional appropriation ..... HJR 1  
     bonds authorized ..... HB 51 am  
**State revenue sharing with cities and towns** ..... HB 1  
**State treasurer. See: Treasurer, state**  
**Statutes, RSA**  
     distribution ..... SB 34 am  
     recompilation and distribution of volume 1 ..... HB 51 am  
     supplement for 1971 session, appropriation increased ..... HB 51 am  
**Stewartstown, 200th anniversary, res of congratulations** ..... 315  
**Stock in trade tax, repealed** ..... HB 1  
**Strafford co.**  
     attorney, salary ..... SB 8  
     officers, salaries, set by county convention ..... SB 8 am  
**Subdivided land**  
     full disclosure ..... HB 39  
     appeals to superior court ..... HB 39 am  
     appropriation ..... HB 51 am  
     information record kept by state planning office ..... SB 19 am  
     sale before approval  
         not void ..... HB 14  
         penalty increased ..... HB 14 am  
**Sugar Hill school district, meeting in 1970 legalized** ..... SB 32 am  
**Sunapee ski lift, additional appropriation** ..... SB 23  
**Support payments**  
     5% deduction repealed ..... HB 25  
     5% service charge collected from *payer* ..... HB 25 am  
     10% service charge on arrearages ..... HB 25 am  
**Supreme court**  
     fees, paid into general fund rather than compensation of clerk and/or  
         reporter ..... HB 7 am  
     opinion requested, tax exemptions for persons over 70 ..... HB 35  
     reports, distribution ..... SB 34 am  
     sessions and clerk, state library building omitted from wording .... HB 7 am  
**Sutton, highway, reclassified** ..... SB 29 am  
**Sweepstakes tickets, liquor commission, reimbursement reduced** ..... HB 51 am  
     HB 52

## T

- Tax commission**  
     additional appropriation ..... HJR 3  
     oath taking on business profits tax limited to hearings ..... HB 57  
     oath taking on commuters income tax limited to hearings ..... HB 57  
**Tax forms examiner, additional position** ..... HJR 3  
**Taxes**  
     business profits ..... HB 1  
         amendments ..... HB 57  
     commuters income ..... HB 41  
         amendments ..... HB 57  
     domestic rabbits, repealed ..... HB 1  
     exemptions  
         Nutfield Heights, Inc. .... HB 55  
         persons over 70, statute clarified ..... HB 35  
     forest products, repealed ..... HB 57  
     fur-bearing animals, repealed ..... HB 1

See Numerical Index following for action on bills

**Taxes — continued**

government owned property .....	HB 17
income, nonresidents .....	HB 41
inheritance	
exemptions, educational, religious and charitable organizations .....	HB 1
exemptions, lineal ascendants and lineal descendants .....	HB 1 am
refunds, appropriation .....	HB 51 am
insurance premiums .....	HB 42
interest on late payment increased .....	SB 30
land profit .....	HB 27
legacy. See: Taxes, inheritance	
machinery, repealed .....	HB 1
motor vehicle fuel pumps and tanks, repealed .....	HB 1
neat stock, repealed .....	HB 1
pari-mutuel, increased .....	HB 1
poll	
age limit reduced to 68 .....	SB 10
increased from \$2 to \$3 .....	SB 10
portable mills, repealed .....	HB 1
Portsmouth, collection dates .....	HB 29
poultry, repealed .....	HB 1
powers of general court .....	CACR 4
redemptive and subsequent, interest increased .....	SB 30 am
sale for .....	HB 1
subsequent tax payment, interest increased .....	SB 30 am
stock in trade, repealed .....	HB 1
studhorses and jackasses, repealed .....	HB 1
tobacco	
additional appropriation .....	HB 51 am
increased .....	HB 1
stamps, decrease of discount repealed .....	HB 57
stamps, discount decreased .....	HB 1
<b>Taylor's Falls bridge (Nashua and Hudson) reconstruction .....</b>	<b>HB 40</b>
<b>Tobacco tax</b>	
additional appropriation .....	HB 51 am
rate increased .....	HB 1
stamps	
decrease of discount repealed .....	HB 57
discount decreased .....	HB 1
<b>Towns</b>	
bonds. See also: Bonds	
hearing requirements clarified .....	HB 37
hearing requirements repealed .....	HB 12
voting by printed ballot repealed .....	HB 12
revenue returned from state to replace repealed taxes .....	HB 1
<b>Treasurer, state, facsimile signature, state guarantee of municipal bonds ..</b>	<b>SB 18</b>
<b>Tuberculosis patients, transferred from state sanatorium .....</b>	<b>HB 5</b>
<b>Turnpikes. See: Central N.H. turnpike</b>	
<b>Tuttle, Maurice, former Rep., res on death .....</b>	<b>303</b>
<b>Twin Mountain, airport, construction of taxiway, appropriation .....</b>	<b>SB 31 am</b>
<b>Unfair trade practices prohibited .....</b>	<b>HB 6</b>

## U

**University of N.H.**

Chicago three speakers .....	HCR 8
management-employee relations, statute clarified .....	HB 33
nonacademic employees	
management-employee relations commission .....	HB 33
salary increase .....	HB 2 am
out-of-state tuition .....	HB 21
water system expansion .....	SB 16

## v

- |  |       |
|--|-------|
| Vacation travel center, additional appropriation .....               | HB 51 |
| Veterans, disabled, motor vehicles, registration fee exemption ..... | HB 58 |
| Vocational education, additional appropriation .....                 | HB 51 |
| Vocational rehabilitation  |       |
| additional personnel, appropriations .....                           | HB 26 |
| division changed to rehabilitation and blind services division ..... | HB 26 |
| Voters' guide .....  | HCR 7 |

## W

- |   |          |
|---|----------|
| <b>Water pollution.</b> See also: Water supply and pollution control commission |          |
| state guarantee of municipal bonds increased .....                              | HB 8     |
| territorial waters, interim commission .....                                    | SJR 1    |
| <b>Water resources board</b>  |          |
| appropriation, availability extended .....                                      | HB 51 am |
| jurisdiction over waters and wetlands .....                                     | HB 15    |
| <b>Water supply and pollution control commission</b>                            |          |
| additional appropriation .....  | HB 51    |
| aquatic nuisance control .....  | HB 23    |
|   | HB 51 am |
| authority clarified .....   | SB 21    |
| authority to close public beaches .....   | HB 19    |
| <b>Waters</b>   |          |
| excavating and filling .....  | HB 15    |
| public, wharves or piers, construction restrictions .....                       | HB 15 am |
| <b>Welfare div.</b>   |          |
| additional appropriation .....  | HB 51    |
| appropriation not reduced to match federal funds .....                          | HB 51    |
| <b>Welfare escrow account transferred to general fund</b> .....                 | HB 51 am |
| <b>Wetlands, excavating and filling</b> .....                                   | HB 15    |
| <b>Wharves or piers, construction restrictions on public waters</b> .....       | HB 15 am |

## HOUSE JOURNAL NUMERICAL INDEX

This index, arranged by bill and resolution number, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

House Bills  
House Joint Resolutions  
Senate Bills  
Senate Joint Resolutions  
Constitutional Amendment Concurrent Resolutions  
House Concurrent Resolutions  
Senate Concurrent Resolutions

To find a bill by its subject, see the Subject Index immediately preceding this Numerical Index.

All matters not contained in bills or resolutions will be found in the Subject Index.

The abbreviation listed below are used in the Numerical Index.

<b>adop</b>	adopted
<b>am</b>	amended, amendment
<b>Approp</b>	referred to Appropriations committee
<b>conf</b>	referred to conference committee
<b>com</b>	committee
<b>conc S am</b>	House concurred in Senate amendment
<b>disp</b>	dispensed with
<b>enr</b>	enrolled
<b>hrg</b>	hearing
<b>intro</b>	introduced
<b>JC</b>	referred to judicial council
<b>jt</b>	joint
<b>K</b>	killed
<b>LSC</b>	referred to legislative study committee
<b>nonconc</b>	nonconcurrent
<b>opin</b>	opinion
<b>psd</b>	passed
<b>RC</b>	roll call
<b>re</b>	relative to
<b>recon</b>	reconsideration, reconsidered
<b>Rep</b>	Representative
<b>rep</b>	report
<b>req</b>	requested
<b>S conc</b>	Senate concurred
<b>S Ct</b>	supreme court
<b>wthd</b>	withdrawn, withdrew

### HOUSE BILLS

**HB 1** Imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns. (Trowbridge of Ches. 4 et al.)  
23, am & psd 91-106 (RC section 1 99-102), 109, enr 200, S conc 208, remarks by minority leader 256-261 (Chapter 5)

**HB 2** Increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor. (McMeekin of Graf. 6)  
**First new title:** Increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; and re the adjustment of salaries for unclassified employees.

**Second new title:** Increasing salaries of classified employees, temporary and seasonal employees and making an appropriation therefor.

**Third new title:** Increasing the salaries of classified employees, temporary and seasonal employees and making an appropriation therefor; making an appropriation for salary increases of nonacademic employees at UNH; requiring approval of the fiscal committee for salary adjustments of unclassified or classified employees; providing for a study of cost-of-living increase of state employees by the salary study committee.

23, am & Approp 56-59, am 134-135, psd 177, nonconc S am, conf 270, 272, rep adop 308-311, recon failed 315, enr 344 (Chapter 44)

**HB 3** Establishing an office of community affairs and making an appropriation therefor. (Trowbridge of Ches. 4 et al.)

23, am & Approp 83-86, K 165

**HB 4** Establishing a department of housing and making an appropriation therefor. (Trowbridge of Ches. 4 et al.)

23, am & Approp 89-91, K 164

**HB 5** Transferring tuberculous patients from the state sanatorium and establishing the sanatorium as a home for certain elderly residents of the state hospital. (Heald of Ches. 15)

23, am & psd 43-44, S conc 65-66, enr 78 (Chapter 4)

**HB 6** Providing for consumer protection and making an appropriation therefor. (Zachos of Hil. 27, Nixon of Hil. 5)

23, am & Approp 69-71, am 162-163, psd 178, conc S am 270, enr 285 (Chapter 19)

**HB 7** To regulate the sale and possession of hypodermic syringes, needles, or like instruments, and making the possession of one pound of marijuana a felony. (Cobleigh of Hil. 15, Hamel of Rock. 17)

**New title:** To regulate the sale of hypodermic syringes, needles, or like instruments, making the possession of one pound of marijuana a felony, and re the sessions, clerk, entry fees, and reports of the supreme court.

24, am 86-88, psd 109, nonconc S am, conf 268, 272, rep adop 312-315, enr 345 (Chapter 48)

**HB 8** Increasing the amount authorized for state guarantee of municipal bonds for water pollution. (Urie of Bel. 1)

24, am 67-68, psd 78, S conc 227, enr 238 (Chapter 13)

**HB 9** Establishing a commission to study state personnel procedures and making an appropriation therefor. (Cobleigh of Hil. 15)

24, K 160-161

**HB 10** Increasing the appropriation for the New England board of higher education for the fiscal year ending June 30, 1971. (Frizzell of Sul. 7)

24, psd 136, 177 (Died in S com)

**HB 11** Establishing a state personnel merit rating system. (Cobleigh of Hil. 15)

24, am & Approp 56, K 161

**HB 12** Repealing provisions requiring public hearings prior to vote on bond issues of certain municipalities. (Chase of Car. 7)

24, com changed 48, psd 169-170, 178, S conc 264, enr 285 (Chapter 18)

**HB 13** Re Central N. H. turnpike, and making an appropriation therefor. (Davis of Mer. 21)

24, am & Approp 47-48, psd 136, 177, S conc 228, enr 237 (Chapter 11)

**HB 14** Re the sale of subdivided land. (Zachos of Hil. 27)

24, am 59-60, psd 63, S conc 264, enr 285 (Chapter 21)

**See also Subject Index preceding this index**

- HB 15** To define jurisdiction over dredge and fill operations in waters and wetlands located in this state. (Kopperl of Mer. 12 et al.)  
24, am 75-76, psd 79, S conc 264, enr 285 (Chapter 22)
- HB 16** Authorizing the director of purchase and property to purchase supplies for the N. H. College and University Council. (Cobleigh of Hil. 15, Raiche of Hil. 34)  
24, psd 69, 79, enr 285 (Chapter 33)
- HB 17** Clarifying tax exemptions on real estate and personal property owned by governmental bodies. (Maynard of Rock. 24)  
24, am 72, psd 79 (S nonconc)
- HB 18** Re the burden of proof relating to comparative negligence. (Nixon of Hil. 5)  
25, psd 34, 41, conc S am 268, enr 286 (Chapter 35)
- HB 19** Providing that the water supply and pollution control commission shall be the sole authority to prohibit bathing at public bathing areas due to pollution levels. (deBlois of Bel. 8)  
25, K 46-47
- HB 20** Prohibiting personnel rules or regulations disqualifying persons from state employment solely because of age. (deBlois of Bel. 8)  
25, psd 49, 51 (LSC)
- HB 21** Re out-of-state tuition charges at the University of N. H. (Clark of Str. 4)  
25, psd 68, 79, S conc 208, enr am 228, enr 271 (Chapter 15)
- HB 22** Re the salaries of the Carroll county attorney and the Carroll county treasurer. (Davis of Car. 2)  
First new title: Re the salaries of the Carroll county attorney and the Carroll county treasurer and authorizing counties to establish highway safety programs.  
Second new title: Re salaries of Carroll county attorney, Carroll county treasurer, salaries of certain officials of Belknap county and authorizing counties to establish highway safety programs.  
25, am 68-69, psd 79, conc S am 268, enr 305 (Chapter 39)
- HB 23** Re the control of algae and other aquatic nuisances. (Cobleigh of Hil. 15, Fuller of Mer. 26)  
25, am 136, psd 177 (Died in S com)
- HB 24** Allowing members of the general court to work at the race track on non-legislative days. (Vachon of Hill. 40)  
25, am 34-35, psd 41, S conc 42, enr 42 (Chapter 1)
- HB 25** To remove certain restrictions on money collected by the board of probation. (Cobleigh of Hil. 15, Nixon of Hil. 5)  
First new title: To remove certain restrictions on money collected by the board of probation and to authorize a collection service charge of five percent.  
Second new title: Providing for a ten percent charge on collections made by the probation department on arrearage payments.  
25, am 66-67, psd 78, nonconc S am, conf 269, 274, new conf 290, 307, rep adop 323-324, 344, enr 349 (Chapter 50)
- HB 26** Providing for additional personnel for vocational rehabilitation, fixing salaries of vocational rehabilitation counselors and transferring the functions of training, education and vocational rehabilitation of the blind from department of health and welfare to department of education and making certain appropriations. (Cobleigh of Hil. 15)  
New title: Transferring the functions of the training, education and vocational rehabilitation of the blind from the department of health and welfare to the department of education.  
25, am 141-148, psd 177, conc S am 269-270, enr 286 (Chapter 34)

- HB 27** Imposing a tax on the profit from the transfer of land. (Bednar of Hil. 23, Bittendbender of Hil. 2)  
25, com on economic impact of classification of land 61, remarks by Rep. Nixon 97-98
- HB 28** Providing for medical facilities at the industrial school and making appropriation therefor. (Cobleigh of Hil. 15)  
25-26, am & Approp 107-108, psd 164, 178, S conc 264, enr 286 (Chapter 36)
- HB 29** Re the dates for the collection of taxes in the city of Portsmouth and provisions for a referendum vote thereon. (Bowles of Rock. 25, Maynard of Rock. 24)  
26, psd 46, 51, S conc 228, enr 238 (Chapter 64)
- HB 30** Making appropriations for the treatment and prevention of alcohol and drug abuse. (Cobleigh of Hil. 15)  
26, Approp 71, am 138-141, psd 177, conc S am tabled 267, nonconc S am, conf 270, 274, rep adop 292-297, enr 305 (Chapter 40)
- HB 31** Re the industrial development authority. (Hall of Rock. 4)  
26, psd 68, 79, S conc 190, enr 200 (Chapter 10)
- HB 32** Providing for a board of registrars of voters and centralized voter registration with the city clerk in the city of Nashua. (Wallin of Hil. 14)  
**New title:** Providing for a board of registrars for the city of Nashua.  
26, am 171-175, psd 178, conc S am 268, enr 286 (Chapter 73)
- HB 33** Clarifying the statute re management-employee relations at the University of N. H. (Clark of Str. 4)  
26, psd 46, 51, nonconc S am, conf 274-275, 277, rep adop 291-292, enr 305 (Chapter 41)
- HB 34** To enlarge the authority of the N. H. Higher Educational Building Corporation. (Brocklebank of Hil. 13)  
26, psd 68, 79, S conc 190, enr am 228-229, enr 271 (Chapter 16)
- HB 35** Clarifying the statute providing for exemptions to persons over seventy against their real estate tax. (Clark of Str. 4)  
26, S Ct opin req 170, printed 279-281, jt rules suspended, am & psd 289, 290-291, S conc 306, enr 311 (Chapter 54)
- HB 36** Permitting oversize mobile homes and construction equipment up to fourteen feet to be moved over the highways. (Spalding of Hil. 12)  
26, K 61
- HB 37** Clarifying the public hearing requirements and the duties of municipal boards re bond and note issues in excess of twenty thousand dollars. (Bednar of Hil. 23)  
26, K 166-169
- HB 38** Abolishing certain classified positions and lapsing appropriations into the general fund. (Goff of Mer. 9 et al.)  
**New title:** Abolishing certain classified positions and lapsing appropriations into the general fund; establishing a commission to study state personnel procedures and making an appropriation therefor; establishing a state personnel merit rating system and making an appropriation therefor; and establishing a committee to recommend the abolishment of classified positions.  
26, am 155-160, psd 178 (Died in S com)
- HB 39** Providing for full disclosure in land sales and making an appropriation therefor. (Logan of Sul. 1 et al.)  
27, am & Approp 111-118, am 161-162, psd 178, nonconc S am, conf 251, 264, rep adop 316-322, 323, enr 349 (Chapter 55)

See also Subject Index preceding this index



- HB 40** Directing the reconstruction of the Taylors Falls bridge. (Bednar of Hil. 23)  
27, special study com 48
- HB 41** Imposing a tax on certain incomes and making an appropriation therefor. (Trowbridge of Ches. 4 et al.)  
27, am 118-131, letter of explanation from Atty. Richard Hampe 131-133, psd 177, S conc 264, enr am 283-284, enr 292 (Chapter 20)
- HB 42** Re the administration of the insurance laws. (Bigelow of Mer. 3)  
27, am 81-83, psd 109, recon failed 109, conc S am 265-266, enr 286 (Chapter 37)
- HB 43** Increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing the membership of the state board of fire control and making its functions advisory. (Cobleigh of Hil. 15)  
27, am 76-78, psd 79 (LSC)
- HB 44** Legalizing the proceedings at the town meeting of March 10, 1970 in the town of Goshen. (Williamson of Sul. 9)  
33, psd 61, 63, S conc 228, enr 238 (Chapter 65)
- HB 45** To legalize certain meetings of the Rye Beach Village District. (Greene of Rock. 22)  
33, psd 61, 64, S conc 264, enr 285 (Chapter 69)
- HB 46** To legalize the 1969 town meeting in the town of Hampton (Casassa of Rock. 20)  
New title: To legalize the 1970 town meeting in the town of Hampton.  
33, psd 61, 64, S conc 264, recalled from governor 281, am & psd 282, S conc 289, enr 305 (Chapter 74)
- HB 47** Legalizing the annual town meeting of March 10, 1970, in the town of Hudson. (Bednar of Hil. 23)  
New title: Legalizing the annual town meeting of March 10, 1970, in the town of Hudson and certain special and regular town meetings in the town of Litchfield.  
33, psd 62, 64, conc S am 267-268, enr 285 (Chapter 70)
- HB 48** Legalizing the annual town meeting of the town of Gilmanton held March 10, 1970. (Roberts of Bel. 6)  
45, psd 62, 64, S conc 228, enr 238 (Chapter 66)
- HB 49** Legalizing the annual meeting held March 10, 1970 in the town of Easton. (Higgins of Graf. 2)  
45, psd 62, 64, S conc 228, enr 238 (Chapter 67)
- HB 50** Re the firemen's retirement system. (Raiche & Nixon of Hil. 34 & 5)  
46, psd 136, 177, S conc 228, enr 238 (Chapter 12)
- HB 51** Making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971. (Goff of Mer. 9, Trowbridge of Ches. 4)  
New title: Making supplemental appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1970 and June 30, 1971, providing for the control of aquatic nuisances and making appropriation therefor, extending an appropriation for the water resources board, making an appropriation for the bicentennial commission and providing for recompilation of volume 1 of the RSA with the appropriation therefor.  
55, am 149-155, psd 178, nonconc S am, conf 269, 274, rep adop 324-337, 344, enr 349 (Chapter 56)
- HB 52** Reducing the sales charge on sweepstakes tickets sold in state liquor stores. (Trowbridge of Ches. 4)  
55, K 118



- HB 53** Re sick leave for employees of the city of Manchester. (Raiche of Hil. 34 et al.)  
55, am 165-166, psd 178, S conc 264, enr 285 (Chapter 71)
- HB 54** Legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville. (Cummings of Rock. 11)  
New title: Legalizing the proceedings at the town meeting of March 10, 1970 in the town of Danville and legalizing a vote relative to bond issue at the annual meeting of March 30, 1970 of Conway Village Fire District.  
65, psd 91, 109, conc S am 229, enr 285 (Chapter 72)
- HB 55** Re tax exemption for Nutfield Heights Inc. a community housing project for elderly persons. (Senter of Rock. 5)  
65, psd 166, 178, S conc 264, enr 285 (Chapter 23)
- HB 56** Re the definition of obscenity. (Rules for O'Neil of Ches. 12)  
217, 218, psd 218-219, 221, S conc 264, enr 285 (Chapter 24)
- HB 57** Making amendments to the business profits tax and the act imposing a tax on certain income. (Rules for Goff of Mer. 9)  
217, 218, SO 219, psd 252-253, 263, conc S am 306, enr 344 (Chapter 57)
- HB 58** Providing for an exemption from motor vehicle registration fee for certain disabled veterans. (Raiche of Hil. 34)  
intro & psd 275-276, 277, S conc 289, enr 305 (Chapter 42)

#### HOUSE JOINT RESOLUTIONS

- HJR 1** Appropriating funds to convert the heating system at the state prison to oil. (Cochrane of Str. 4)  
27, psd 136, 178 (Died in S com)
- HJR 2** Establishing a commission to recommend changes in the councilor districts. (Clark of Str. 4)  
27, am 42-43, psd 44, conc S am 267, enr 286 (Chapter 61)
- HJR 3** Appropriating funds for an additional tax forms examiner for the state tax commission. (Cobleigh of Hil. 15)  
New title: Appropriating additional funds for the interest and dividends tax division of the state tax commission.  
27, am 137-138, psd 178, S conc 228, enr 238 (Chapter 59)
- HJR 4** Naming the David Wayne Hildreth Dam. (Anderson of Graf. 7)  
27, psd 46, 51, conc S am 108, enr 163 (Chapter 58)
- HJR 5** Re reimbursement to the Lebanon school district for snow damage to the Lebanon senior high school. (Merrill of Graf. 13)  
27, withd by sponsor 42

#### SENATE BILLS

- SB 2** Creating the office of director of the budget and making an appropriation therefor.  
66, psd 192, 198, enr 200 (Chapter 6)
- SB 3** Re the governor's office staff, employment of a counsel, and making an appropriation for the office of the counsel.  
66, am 193-194, psd 198, S nonconc, conf 250-251, rep adop 307, 312, enr 344 (Chapter 46)
- SB 5** Re examination and educational requirements of physicians.  
55, psd 71-72, 79, enr 97 (Chapter 3)

See also Subject Index preceding this index

- SB 6** Re the real estate commission and making an appropriation therefor.  
180, Approp 234-236, am 240-242, psd 261, S nonconc, conf 273, conf replacement 315, rep adop 316, 344, enr 349 (Chapter 49)
- SB 7** Ratifying the compact for education, and making an appropriation therefor.  
180, hrg disp 188, psd 247, 262, enr 285 (Chapter 25)
- SB 8** Increasing the salary of the Strafford county attorney.  
New title: Increasing the salary of the Strafford county attorney and empowering the Strafford county convention to set the salaries of certain county officers.  
80, com changed 111, am 253-256, psd 263, S nonconc, conf 273, new conf 304, 307, nonconc conf rep 322
- SB 9** Re the Pierce Brigade, Inc.  
66, SO 192, psd 217-218, 221, enr 245 (Chapter 17)
- SB 10** Re reducing the maximum age for assessment of the poll tax from seventy to sixty-eight and increasing the dollar amount from two dollars to three dollars.  
New title: Re reducing the maximum age for assessment of the poll tax from seventy to sixty-eight.  
55, tabled 179-180, am 186-187, psd 189, S nonconc, conf 199-200, rep adop 291, 305, enr 305 (Chapter 52)
- SB 11** Providing for special liquor licenses and beverage permits for nonprofit organizations.  
80, am 233-234, psd 261, S conc 275, enr 285 (Chapter 26)
- SB 12** Re retirement credits for Teresa B. Demarais and Paul Hartigan.  
110, hrg disp 188, psd 192, 198, enr 200 (Chapter 63)
- SB 13** Re the practice of law by professional associations.  
33, psd 60-61, 63, enr 66 (Chapter 2)
- SB 14** Permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, child benefit services, or providing transportation to pupils at private schools; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased at least ten percent because of closing of nonpublic schools; increasing the state guarantee of building costs to cooperative school districts; establishing the office of nonpublic school coordination in the department of education; and making appropriations for all the above.  
New title: Permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above.  
180, am & Approp 215-217, psd 242-243, 262, S conc 275, enr am 284, enr 292 (Chapter 51)
- SB 15** Validating the marriage of Alfred and Marie-Anne Langlois.  
29, psd 43, 44, enr 46 (Chapter 62)
- SB 16** Re the expansion of the water system at the University of N. H. and making an appropriation therefor.  
34, Approp 72, hrg disp 188, psd 193, 198, enr 200 (Chapter 7)
- SB 18** Authorizing the state treasurer to use a facsimile of his signature when executing a state guarantee of bonds or notes issued by a political subdivision of the state.  
80, hrg disp, psd 196-197, 198, enr 200 (Chapter 8)

- SB 19** Transferring the office of planning and research to the office of the governor.  
180, am 236-237, psd 261, S conc 275, enr am 304, enr 311 (Chapter 53)
- SB 21** To clarify the authority of the water supply and pollution control commission.  
66, am 203-204, psd 220, S conc 265, enr 285 (Chapter 27)
- SB 22** Re municipal permits for previously registered motor vehicles and re issuance of certain certificates of title.  
180, am 205-207, psd 220, S conc 265, enr 285 (Chapter 28)
- SB 23** Increasing the appropriation for the southwestern state park, extending the time for the expenditures of funds appropriated for certain park projects, and making an appropriation for the Robert Frost Homestead.  
New title: Increasing the appropriation for the southwestern state park; providing appropriations for the flume disposal system, purchase of land adjacent to the Robert Frost Homestead, and for the Mount Washington commission; extending the time for the expenditure of funds for certain park projects; and lapsing the balance remaining in the Pawtuckaway reimbursement fund.  
181, am & Approp 201-203, am 246-247, psd 262, S nonconc, conf 272, rep adop 291, 304-305, enr 311 (Chapter 43)
- SB 24** Reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, and providing for additional personnel for data processing.  
New title: Reducing the appropriation for a data processing building, providing for the lease of additional office space, and appropriating therefor, providing for a study committee, providing for additional personnel for data processing, and applying restrictions to the post office renovation and purchase funds.  
181, Approp 203, am 248-249, psd 262, S conc 275, enr 286 (Chapter 29)
- SB 25** Re the department of centralized data processing.  
111, am 249-250, psd 262, S nonconc, conf 267, rep adop 303, S nonconc, new conf 306, rep adop 308, 323, enr 345 (Chapter 47)
- SB 26** Transferring operation and management of state building at Eastern States Exposition from DRED to department of agriculture and making an appropriation.  
56, Approp 111, hrg disp 188, psd 193, 198, enr 200 (Chapter 9)
- SB 27** Re the air pollution commission.  
181, am 243-245, psd 262, S nonconc, conf 273, nonconc conf rep, new conf req 305, S nonconc, H nonconc discharge req 307-308 (K)
- SB 29** Re reconstruction of a town road in Sutton leading to the Kearsarge regional school.  
181, tabled 229, am 251-252, psd 262, recon failed 263, S conc 275, enr 286 (Chapter 31)
- SB 30** Re increasing the interest charged for delinquent, redemptive and subsequent tax payments.  
181, psd 194-195, 198, recon SO 219, recon failed 238-239, enr 286 (Chapter 30)
- SB 31** Re the purchase, sale and transportation of explosives and making an appropriation therefor.  
New title: Re the purchase, sale, storage, larceny and transportation of explosives and making an appropriation therefor.  
181, am & Approp 230-233, am 239-240, psd 261, S nonconc, conf 272-273, rep adop 303-304, 307, enr 344 (Chapter 45)

See also Subject Index preceding this index

**SB 32** Re the Cooperative School District No. 1 of the town of Derry.

New title: Re the Cooperative School District No. 1 of the town of Derry and legalizing the school district meetings of the towns of Easton, Franconia, and Sugar Hill and legalizing the formation of the Lafayette Regional School District, and dissolving the charter of the Daniel Webster Junior College and transferring all its rights and degree granting authority to New England Aeronautical Institute.

56, SO 111, am 195-196, psd 198, S conc 217, enr 238 (Chapter 68)

**SB 34** Re the salaries of justices and clerks of Manchester district court and re the distribution of reports of the Supreme Court and Revised Statutes Annotated.

181, hrg disp 190, psd 214-215, 220, enr 245 (Chapter 14)

**SB 35** Removing a conflict in the issuance of search warrants.

111, JC 201

**SB 36** Authorizing the issuance of motor vehicle registration plates of whatever duration the director provides.

New title: Authorizing the issuance of motor vehicle registration plates of whatever duration the director provides, correcting an error in the appropriation for safety services, making additional appropriations for snowmobiles and initial plates, establishing the position of assistant to the director of motor vehicles, and reducing the appropriation to safety services.

181, am & Approp 207-208, am 250, psd 263, S conc 275, enr 286 (Chapter 38)

**SB 37** Re fees for medical referees.

181, psd 233, 261, enr 286 (Chapter 32)

#### SENATE JOINT RESOLUTION

**SJR 1** Establishing a committee to study pollution problems from the handling of oil, gas and petroleum products within the territorial waters of the state of N. H. and recommending legislation to implement the same.

80, psd 204, 220, enr 245 (Chapter 60)

#### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

**CACR 1** How often the legislature shall meet. Providing that: The legislature shall meet annually.

33, psd 73-74, enr 97

**CACR 2** Establishing a four year term for governor. Providing that: The governor shall be elected every four years on the nonpresidential election years, and no person shall serve more than two terms consecutively.

78, am & psd (RC) 208-214, remarks by Rep. Ruth Hamilton 219-220, S conc 265, enr 286

**CACR 4** Granting the legislature greater flexibility in raising public revenue through the power to tax. Providing that: Property other than land may be classified by kind, use or amount and such classes taxed differently.

33, failed (RC) 182-186

**CACR 5** Amendment of proposal relative to Article 15, Part Second of the Constitution. (Zachos of Hil. 27)

intro & psd 74, nonconc S am, conf 274, 277, rep adop 297-301, 304, enr 311

#### HOUSE CONCURRENT RESOLUTIONS

**HCR (1)** That the joint rules of the 1969 session as amended in accordance with the copy of joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1970 special session. (Drake of Coos 3)

17, am 17-19, adop 19, S conc 29

- HCR (2)** Legalizing actions of the rules committees and scheduling of hearings by committees. (Logan of Sul. 1, Raiche of Hil. 34)  
adop 20, S conc 28
- HCR (3)** Rules committee approval before introduction of bills, etc. (Logan of Sul. 1, Raiche of Hil. 34)  
adop 21-22
- HCR 5** Accelerating improvement of Route 16. (Davis of Car. 2)  
adop 175-176, S conc 219
- HCR 7** Re voters guide. (Bradley of Graf. 19)  
adop 270-271, 277 (Died in S com)
- HCR 8** Re speakers at the University. (Boisvert, Wilfrid of Hil. 20)  
adop 282-283, (Died in S com)

#### SENATE CONCURRENT RESOLUTION

- SCR 1** Be it resolved by the Senate, the House of Representatives concurring, that the clerks and assistant clerks of each house shall for the 1970 special session be paid the same daily compensation as they received during a regular session.  
adop 29























